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# FAITH IN THE SYSTEM?

RELIGION IN THE (DANISH) ASYLUM SYSTEM

Edited by Marie Juul Petersen & Steffen Jensen



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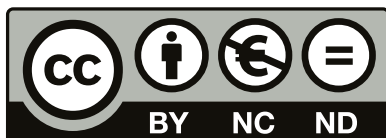
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# Faith in the system: Religion in the (Danish) Asylum System

Marie Juul Petersen and Steffen Jensen

## Introduction

What is – or should be – the role of religion in the asylum system? Among Danish politicians, asylum authorities, and in the general public, this is a question that has surfaced time and again, most often in relation to accusations of religiously motivated discrimination of Christian converts, ‘fake’ conversions, aggressive proselytization by outside religious groups, and radicalisation among Muslim asylum seekers. In all these cases, different as they are, religion is cast as something potentially suspicious and problematic; something to be controlled, managed and even eliminated. Religion is a source of conflict and violence, a tool for manipulation and self-gain. But the role(s) of religion, in the asylum system and for the asylum seekers, is much more complex and multifaceted than these debates have us believe.

With this collection of papers, we hope to contribute towards a more nuanced understanding, analysing the nexus between religion and the asylum system as it plays out primarily in a Danish context but with references to Norway, Australia and Canada. The collection brings together a diverse group of experts, including academics and practitioners, combining legal, anthropological, sociological, theological and policy perspectives. Writing from these different professional and disciplinary backgrounds, the authors explore questions such as: How does the asylum system deal with asylum claims based on religious persecution? How is the sincerity of conversion claims tested? What are the underlying conceptions of ‘religion’ and ‘conversion’? How do converts experience these processes? What role does religion play for people in the asylum centres in Denmark? What rights do asylum seekers have to practice their religion? What restrictions can be – and are being – imposed on these practices and for what reasons? How is ‘religious neutrality’ conceived and implemented? What is the

relationship with local religious institutions and faith-based organisations outside the centers?

The collection is the result of a workshop held at Aalborg University in 2017, and contributions are based on the papers the authors presented at this workshop. As such, this publication should not be expected – and does not pretend – to provide in-depth answers to all of these questions, presenting an exhaustive analysis of the role(s) and place(s) of religion in the asylum system. Instead, it seeks more modestly to take a first, explorative step towards such analysis. Presenting a diverse range of initial reflections, ideas and frameworks for further research, it asks what is, what can be and what should be the role of religion beyond simplistic notions of ‘good’ and ‘bad’ religion. This, we suggest, is a central question for all who work in the Danish migration system, both those adjudicating the right to stay as well as those that work with integration. Furthermore, there is a dearth of research on the relation between religion and the asylum system in a Danish context as well as globally. Hence, the collection contributes to renewed and more sophisticated discussions among researchers and students of migration and displacement as well as within religious studies.

### **Religion, migration and the asylum system: A (very) brief literature overview**

The collection of papers is located within the broader, and rapidly expanding, field of religion and migration. In its first decades, migration studies – as social sciences in general – paid little attention to religion (Hagan and Ebaugh 2003). Dominated by theories of secularization and modernization, many saw religion as a factor that would eventually disappear or at least privatize, and as such, largely irrelevant to studies of migration and other modern social phenomena (Wilson and Mavelli 2016, Casanova 1994). Instead, studies of migration tended to focus on themes such as transnational solidarity (Glick-Schiller 2010), diaspora (Shuval 2000), remittances (Nyberg-Sørensen 2005) and homeland politics (Fuglerud 1999).

Recent years have, however, demonstrated with all clarity that religion remains an important factor to consider in today’s politics and public life. This is reflected in a surge in interest in religion, not only in migra-

tion studies but within development and humanitarian studies, human rights studies, international relations, and other social sciences. However, as Wilson and Mavelli (2016:5) have argued, much of this new literature is dominated by narratives of ‘good religion/bad religion’:

In the context of the refugee crisis, this narrative manifests in the form of religion identified as a source of persecution that causes people to flee (‘bad religion’), as well as a source of support for refugees and forced migrants, both in terms of their personal spiritual journey and in the form of faith-based organizations that provide practical support for refugees.<sup>1</sup>

Without denying the importance of such dynamics, Wilson and Mavelli, along with other migration scholars, instead argue for a less dichotomous approach, encouraging a broader conception of ‘religion’ to make room for its infinite variations in meaning, function and significance across different contexts, levels and times. Religion can, as noted by Saunders et al. (2016:2), “be central to migration at a variety of levels and across diverse spaces, from the individual, family, and community practices of migrants and those they leave behind, to the social and political contexts that characterize sites of origin, transit, and destination.”

Religion not only plays different roles, it also takes different forms at different times and in different contexts, shaped by the experiences, practices and structures of the asylum system, encouraging or discouraging different religious expressions. Religious ideas and practices are affected – shifting, altering, adapting – as the people who hold them travel (Saunders et al 2016:25); refugees construct and reconstruct their religious identities as they interact with their new environments, with the system and with the procedures. Research along these lines has explored e.g. how the experience of migration affects religious beliefs, identities and practices (Beckford 2015, Fredricks 2016, Becker-Cantarino 2012); the relationship between migration and inter-religious conflict (Sterkens and Vermeer 2015); and the involvement of faith-based activists and organisations in the provision of aid and

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<sup>1</sup> For related critiques of similar trends within other fields, see e.g. Barras (2014), Beaman (2012), or Jones and Juul Petersen (2011).



support to migrants (Wilson 2011, Kirmani and Khan 2008, Jones and Lauterbach, 2005).<sup>2</sup>

### Religion in the asylum system: an overview of contributions

Reflecting the migratory journey, literature on religion and migration spans a wide range of topics, from work on the role(s) of religion as a source of, or part in, the conflicts and wars that prompt people to flee, to the role of religion in processes of integration and assimilation. While situated within this broader literature on religion and migration, the present collection of papers focuses on the role(s) of religion at a very particular point in the migratory journey, namely the asylum system – the point of stillness and waiting in between movements.

In their contribution, *The Refugee Crisis and Religion*, Erin Wilson and Luca Mavelli discuss the role of religion in the international politics of asylum, demonstrating how religion has become **a mechanism for exclusion**, shaping policies and legislation in very concrete ways. In recent years, Denmark, as well as most other Northern European countries, has tightened its asylum policies, in attempts to control what is perceived to be a mass migration movement from the Middle East, Asia and Africa. Wilson and Mavelli argue that the principal catalyst for these increasingly harsh asylum policies is the question of ‘religion’, in particular ‘Islam’ (see also Rytter and Pedersen, 2011). Shaped by narratives of good religion/bad religion, Islam is increasingly framed as a threat, whether to the religion, culture and societal coherence of the host country, to economic welfare and stability, or to public security, while Christianity, on the other hand, is equated with the traditions and history of host countries, result-

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2 Naturally, an explicit focus on the role of religion in migration processes and in the asylum system entails a risk of overemphasizing religion, whether as the key identity marker, the primary basis of rights claims (Hurd 2016:106), or the main source of refuge. To paraphrase Saunders et al (2016:5), religion is not the only, or even necessarily the most important, factor underpinning reasons for, experiences with, or responses to asylum seeking. Even what seem to be clear-cut examples of religious conflicts, as e.g. the persecution of the Rohingya Muslims in Burma/Myanmar, are most often best understood in terms of a complex interplay between religious and other factors, whether political, social, cultural, economic or historical. Similarly, at the level of individual asylum seekers, religion is far from always the primary identity marker, but intersects with other identity markers such as race, ethnicity, gender, political observation and sexual orientation (Saunders et al 2016:18). As Permoser (2014) notes, “Muslims’ may not see themselves primarily as Muslims but rather as women or men, as social democrats or conservatives, and as citizens of this or that country.”

ing in conceptions of Muslim refugees as ‘bad refugees’ and Christian refugees as ‘good refugees.’<sup>3</sup>

Presenting a religious counter-narrative to these dominant political discourses, in his contribution Søren Dalsgaard gives *A practitioner’s view on religion in the asylum-seeking process*. As a representative from the Danish People’s Church’s Asylum Cooperation (Folkekirkens Asylsamarbejde), Dalsgaard demonstrates how religion can also be invoked as **a call for inclusion and compassion**. As Wilson notes elsewhere (2011:548), faith-based organisations and other religious actors have historically been involved in the provision of services and support to asylum seekers, seeking to ameliorate the effects of government asylum policies and eventually contribute to changes in those policies. Dalsgaard gives concrete examples of how Danish parishes have engaged in such activities, responding to the social, psychological and religious needs of asylum seekers in Denmark. “One of the most important points [...] in relation to acts of service to asylum seekers,” Dalsgaard writes, “is the affirmation of the unconditionality that characterizes the love of God and which Christians are called to extend to others regardless of their background.”

Approaching the nexus between faith-based organisations and asylum seekers from the perspective of the asylum seekers, Sara Lei Sparre and Lise Galal explore the ways in which asylum seekers engage with local religious communities. In their contribution, *Routes to Christianity and Religious Belonging*, they describe how religion can be **a route to belonging** in Denmark, linking religious rootedness with geographic rootedness. For some asylum seekers, Sparre and Galal write, being part of a religious community in Denmark can be a way to navigate in and

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3 Certain Eastern European countries have been very explicit about this; Hungary’s Victor Orban, for instance, has publicly stated that the influx of Muslim refugees into Europe threatens to undermine the continent’s Christian roots: “[I]s it not already and in itself alarming that Europe’s Christian culture is barely in a position to uphold Europe’s own Christian values?” he asked in a 2015 opinion piece in the Frankfurter Allgemeine Zeitung. <http://www.reuters.com/article/us-europe-migrants-orban-idUSKCN0R30J220150903>. Other governments may not frame their skepticism of Muslim refugees in terms of a threat to Christian culture, focusing instead on cultural and societal incompatibility and lack of ‘integration potential,’ equaling a certain religious identity with certain ethnic and cultural identities. A few years back, when Danish authorities were criticized for prioritizing Christian refugees over Muslims in their selection of UNHCR quota refugees, a government representative denied that this was a conscious policy to avoid Muslim refugees: “But we might just as well select quota refugees with integration potential,” he said: “We select those that fit best into Danish society and we select them after an overall assessment.” <https://www.kristeligt-dagbladet.dk/kirke-tro/kritik-danmark-prioriterer-kristne-flygtninge>

integrate into this new society and a way to cope with the discrimination and exclusionary mechanisms of Danish society. This kind of religious sociality is not without conflicts, however, and Sparre and Galal describe how the encounters between asylum seekers and local religious communities can be disappointing, displaying cultural differences and clashing expectations that religious commonalities cannot overcome.<sup>4</sup>

Moving from the spheres of politics and civil society to that of law, Eva Maria Lassen's contribution, *Religion at asylum centres: a human rights perspective*, discusses **religion as a right**. What does the right to freedom of religion and belief entail for asylum seekers? And what is the legal responsibility of the state in ensuring this right? Providing an overview of the different components of freedom of religion or belief that are relevant for the asylum seekers, Lassen discusses e.g. collective and individual manifestations of religion inside and outside of the centre; access to pastoral care; the right to convert; and non-discrimination on account of religion or belief.

Staying within the realm of religion, law and the asylum system, Bjørn Møller and Helge Aarsheim zoom in on the asylum application process. As Aarsheim notes in *Sincere and reflected? Localizing the model convert in religion-based asylum claims in Norway and Canada*, the clear majority of cases where religion becomes the key feature for consideration are cases relating to religious conversion, and, in particular, conversions entered into after departure from the country of origin. In such cases, religion becomes **a legal claim**. The evaluation of these claims is far from straight-forward, necessitating "a rigorous and in depth examination of the circumstances and genuineness of the conversion," as noted in the UNHCR guidelines on religion-based asylum claims to guide decision-makers (UNHCR 2004:12). But how are such examinations carried out? Pointing to the lack of interpretational guidance on the definition

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4 Similarly, local religious groups, faith-based organisations and religious institutions may not only be a source of support and network; they may also exert pressure on asylum seekers to participate in religious activities, or they may actively proselytise among asylum seekers, raising questions of unequal power relations, coercion, and vulnerability. While no contributions to the present paper deal with this issue, other researchers have explored such conflicts in detail (Beaman et al. 2016:80; see also Catto 2013, Freston 2001, 2014). See also DanChurch Interfaith Relations' *Guidelines Concerning Church Contact with and Possible Baptism of Muslim Asylum Seekers* (2005), and World Council of Churches' *Christian witness in a multi-religious world: Recommendations for conduct* (2011; published and translated in Mogensen 2015).

of 'religion' in international human rights law, Aarsheim explores how the refugee status determination procedures in Norway and Canada have dealt with the definitional challenges raised by religion-related claims, looking at how courts of appeal have approached the notion of religious conversion. As a former member of the Danish Refugee Appeals Board, Møller provides a unique insight into the ways in which the Danish authorities approach such cases. In his contribution *Religion, Persecution and Asylum*, Møller describes how Danish authorities increasingly rely on a "narrative approach" to determine whether conversion is sincere. In line with recommendations from the UNHCR, such approaches seek to take into account the feelings, experiences and practices of asylum seekers' religious faith rather than relying primarily on knowledge-testing as has previously been the case.<sup>5</sup>

Other contributions zoom in on life as an asylum seeker, exploring the ways in which broader political developments, legal processes and bureaucratic practices frame the lived experiences of asylum seekers and discussing some of the roles that religion may play in these experiences. In *Keeping and Losing Faith*, Zachary Whyte describes how religion serves as **a way to mitigate the incomprehensiveness of the asylum system**. While the system presents itself as rational, as a classic Weberian bureaucracy that is impartial and fair, asylum seekers often experience it as random and partial (see also Whyte 2011).<sup>6</sup> Similarly, Pia Niel-

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5 A report by the British All Party Parliamentary Group for Freedom of Religion demonstrates how knowledge testing (still) plays an important role in asylum interviews in Britain (Meral and Gray 2016). BBC coverage ... Mohammed, an Iranian convert to Christianity: "One question they asked me was very strange – what colour was the cover of the Bible," he says. "I knew there were different colours. The one I had was red. They asked me questions I was not able to answer – for example, what are the Ten Commandments. I could not name them all from memory". Such 'Bible trivia' questions may encourage a focus on religious doctrine over practices or emotions, arguably privileging Western traditions of religiosity over other traditions. "While from its roots in a Hellenized civilization, dominant forms of Christianity have tended to emphasize orthodoxy, or 'correct belief', especially since the Protestant Reformation, other religious traditions (including Medieval Christianity and liberation theologies that emphasize right action or praxis) have historically been concerned with correct practice" (Saunders et al 2016:10).

6 This arbitrariness also characterises the ways in which religion is managed by the system. Few asylum centers have formulated explicit guidelines on the role of religion in the centers; instead practices are ad hoc and pragmatic, differing from place to place and depending on individual managers and staff. Some do not allow prayer rooms or celebration of religious holidays in common areas, arguing that asylum centers should be 'religiously neutral.' Others restrict religious practices for practical reasons, whether a lack of common facilities or the need for public order. And yet others find pragmatic ways of making room for religion at the center.

sen's description of a group of Christian converts awaiting decision on their application point to the obscurity of the bureaucratic system. In her contribution, *(Not) belonging: Community and identity among Christian converts in the Danish asylum system*, Nielsen writes that "asylum seekers are moved between centres for various reasons, and these reasons are not always understood or deemed reasonable by the people who are being moved." Rather than relying on the rationality of the system, then, some people turn to religion as a much more reliable source of support. Whyte quotes a young man for saying: "I have promised my God that I will fast during this Ramadan and another month and I will pray for longer every day, if my brother and I get positive." For this young man, his best recourse was not through his own interactions with the authorities but through higher powers, granting him **a degree of agency and control**.<sup>7</sup> In *The Complexity of Survival: Asylum Seekers, Resilience and Religion*, Ringgaard and Buch-Hansen also point to the role of religion as a source of meaning and resilience. Recounting the story of Sanaz, a convert to Christianity, Ringgaard and Buch-Hansen discuss the often complex motivations that asylum seekers have for converting, arguing that conversion may at once be **a material and an existential way of survival** – a strategic attempt to improve chances of asylum and an existential attempt at finding meaning in a situation characterized by social liminality and existential insecurity.

Ringgaard and Buch-Hansen, Whyte and Nielsen also describe how religion, more broadly, is often **a source of hope and solace** for asylum seekers. Religious texts, traditions and rituals can provide a language and a practice for the people to convey and make sense of experiences of suffering and exile (Wilson and Mavelli 2016:15; Saunders et al 2016:20; Ager and Ager 2016:47–48). For some, this is an entirely personal and private matter; for many others, it is a matter of community and collective religiosity. Providing "a sense of shared identity" (Wilson and Mavelli 2016:20), religion may facilitate the establishment of relations, network and friendships. In the asylum center, a site that is rife with uncertainty, loneliness and uprootedness, being part of a religious community may encourage a sense of belonging, solidarity and certainty.

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<sup>7</sup> In a similar way, but with a longer time frame, Sofie Danneskiold-Samsøe, in her analysis of Iraqi refugees in Denmark explore how the refugee life and the suffering leading up to it were circumscribed by notions of sacrifice as an agentic explanation of inactivity, boredom and stuckness (Danneskiold-Samsøe, 2014).

For some people, however, being part of a religious community does not equal comfort but **hierarchies, control and social pressure** to comply with certain religious doctrines and practices while in the asylum center; this may even be what they fled in their home country. Atheists, people who do not practice actively or people who practice in ways that are different from the mainstream may be particularly vulnerable to such pressure. Religion may also be a cause of conflict and discrimination between communities of different faith (or different interpretations of the same faith). In recent years, in particular Christian organisations and churches have reported of discrimination of Christian converts in Danish asylum centers. While none of the contributions to this paper deal specifically with this aspect of religion in the asylum system, Dalgaard does note that the Danish People's Church's Cooperation on Asylum regularly receives reports from local churches and ministers of incidents that range from social exclusion to harassment, threats, and in some instances even violence.<sup>8</sup>

## Emerging themes

The different contributions to the publication were not written with a common theoretical or analytical framework in mind. Nonetheless, some commonalities emerge across this very diverse collection of analyses. In each their different ways, authors seem to approach the asylum system as what Sally Falk Moore (1973) would call 'a semi-autonomous field'. In her conceptualization, law cannot, as assumed within traditions of legal positivism, be seen as a neutral arbiter of all things social, standing outside or above the society in which it functions. While law does hold a remarkable ability to structure social life, it never does so isolated from that very same social life. As such, we cannot reduce law to any other social phenomenon but we must also not reify its significance. This is an apt description not least of the asylum system. It is not only a legal system, but also fundamentally part of the social and political life. Accordingly, in their contributions, authors explore the lived experience and

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<sup>8</sup> See the report xxx by Eva Maria Lassen, Maryah Akhtar and Marie Juul Petersen. In a 2014 survey among 48 asylum seekers in Apostelkirken International, 35 percent responded *yes* to the question "I have experienced threats or violence because of my participation in Apostelkirken, my baptism or my conversion" (unpublished). The Christian NGO Open Doors has published two reports on the situation of converts in Swedish and German asylum centers (2017, 2016), available on the organisation's website.

the ways in which religion intersects with asylum laws and bureaucratic rules, whether in processes of asylum seeking and granting, in the institutional structures and practices of asylum centers, in the experiences of refugees seeking asylum and living in asylum centers, in local religious communities' relations with refugees, or in broader societal perceptions of (religious) asylum seekers.

This also means that authors do not accord religion one particular role, but are open to the many different roles that religion may play. As Schielke notes about Islam, but which is equally true of any religion: “[Islam] can be many different things – a moral idiom, a practice of self-care, a discursive tradition, an aesthetic sensibility, a political ideology, a mystical quest, a source of hope, a cause of anxiety, an identity, an enemy – you name it” (2010:2). Within the asylum system, then, religion may simultaneously be a legal claim to protection from persecution and conflict; it may be a source of solace and hope for the individual asylum seeker; a language through which to convey and make sense of one's suffering; a practice facilitating structure and continuity; a mechanism of control and pressure among religious peers; a nuisance (or a resource) to be bureaucratically handled by asylum center staff; or a proxy for political exclusion and discrimination, to mention only a few.

These roles, meanings and functions are not static or fixed, but fluid and changing, shaped by – and sometimes shaping – the contexts in which asylum seekers find themselves. The experiences in and of the asylum system – whether legal, bureaucratic, social or existential – can profoundly affect the ways in which asylum seekers think about and practice their faith: People may become more or less religious, they may become religious in different ways, change their religion or leave their faith altogether. Acknowledging the wide variety of (shifting) roles, meanings and functions that religion is accorded within (and outside) the asylum system, the contributions to this paper explore some of the many ways in which religion is categorised, conceptualised and practiced by different actors, at different times and in different contexts, whether at the political level, in the legal processes of seeking and granting asylum, in the asylum centers or in relations with the local community. By so doing, this collection contribute to transcending habitual discussions of ‘good’ and ‘bad’ religion towards a deeper understanding of the complexities of lived religion – or religious lives – in the asylum system.

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# The refugee crisis and religion: an overview

Erin K. Wilson and Luca Mavelli<sup>1</sup>

According to the United Nations Refugee Agency (UNHCR 2019), as of the end of 2018, 70.8 million people around the world are currently displaced. This is the largest number on record. Despite the enormity of the situation, responses from Western countries (who host a mere 16 percent of displaced persons in comparison to the 84 percent hosted in countries surrounding conflict zones) have been inadequate, to say the least. Their harsh exclusionary rhetoric has resulted in increasingly hardline immigration policies.

Australia has led the way in this regard, deploying a deterrence-driven model of offshore mandatory indefinite detention, which prevents asylum seekers from ever settling in the country, even if found to be “genuine refugees,” and laws that make family reunion almost impossible. Whilst this approach has been condemned by the UNHCR and multiple human rights organizations, it has been highlighted by numerous policymakers in Europe as a possible model for governing migration on the continent. Despite the notable exceptions of Germany and, to a smaller extent, Italy, European responses to the crisis have privileged exclusionary and securitizing policies (Daley 2016), including in Denmark the criminalization of certain acts of kindness towards refugees, leading many commentators to observe that rather than a refugee crisis, this should be more properly described as a crisis of leadership or a crisis of solidarity. In the United States, President Donald Trump has expressed admiration for the Australian approach and his administration has introduced draconian measures of family separation, entrenching trauma and cruelty as standard components of border control policies (Bhabha and Bassett 2019).

A key catalyst for these increasingly harsh immigration policies and discourses has been the question of religion, and in particular, Islam. Re-

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<sup>1</sup> This paper is a summarized version of the introduction to the edited volume *The Refugee Crisis and Religion: Secularism, Security and Hospitality in Question*, edited by Luca Mavelli and Erin K. Wilson (Rowman and Littlefield International, 15 December 2016)

ligion has become the primary characteristic by which refugees are imagined and understood, resulting in three main false assumptions:

1. Since the majority of refugees are from countries where Islam is the dominant religion, they must therefore be Muslim. The reality is that many refugees are Christian, Atheist, Baha'i, Druze, or Yazidi, as well as Muslim;
2. Not only are all refugees assumed to be predominantly Muslim, but they are all Muslim in the same way, ignoring the numerous variations in beliefs, rituals, and practices across understandings of what it means to be Muslim;
3. The concurrent rise of mass displacement and violent extremism (stereotypically associated with Islam) has resulted in a complicated entanglement where "refugee" equals "Muslim" and "Muslim" equals "terrorist" in public discourse and consciousness. This contributes to the belief that all refugees are potential terrorists and prompts narrow policy responses primarily concerned with security rather than solidarity and humanitarianism.

This situation has been further exacerbated by the overlapping of two good/bad discourses: good Muslim/bad Muslim and good refugee/bad refugee. As Mahmood Mamdani observed in the aftermath of 9/11, the dominant discourse that emerged regarding Islam does not just emphasize the connection between Islam and terrorism but also urges us "to distinguish 'good Muslims' from 'bad Muslims.'" Good Muslims are peaceful and law-abiding and abhor acts of violence that threaten the authority of the secular Western state. Bad Muslims commit acts of violence and, according to political leaders like George W. Bush and Tony Blair, blaspheme the name of Allah and do not adhere to the proper teachings of the Koran. While these statements could be cast as attempts to de-essentialize Islam by emphasizing that violence is not an endemic feature, this good Muslim/bad Muslim narrative has contributed to constructing good Muslims as devoid of agency, as potential victims of a growing "radicalised and politicised view of Islam" (as Tony Blair argued in 2014<sup>2</sup>) whose only hopes rest on external salvation from the West.

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2 <http://www.tonyblairoffice.org/news/entry/why-the-middle-east-matters-keynote-speech-by-tony-blair/>

This narrative draws on an Orientalist tradition that is also reproduced in Western approaches toward refugees. A case in point is the UK decision in September 2015 to take twenty thousand Syrian refugees over a period of five years directly from camps in Syria's neighboring countries. As then Prime Minister David Cameron explained, the refugees would be selected on the basis of need by privileging disabled children, women who had been raped, and men who had suffered torture (BBC 2015). In this policy, "good refugees" and "good Muslims" are women, children, and male victims of violence who patiently wait in refugee camps to be rescued by Western saviors. Conversely, "bad refugees" and "bad Muslims" are those who exercise agency by engaging in "proactive livelihood and survival strategies," (Fiddian-Qasmiyeh 2016: 210) such as crossing sub-Saharan Africa or the Mediterranean in order to seek refuge in Europe. Bad refugees challenge the script "refugee=victim." They become a "swarm of people coming across the Mediterranean," as David Cameron stated earlier this year, and more generally "queue jumpers" and "bogus asylum-seekers" who are jeopardizing the protection claims made by "real" (i.e. "good") refugees (Fiddian-Qasmiyeh 2016: 210).

The good Muslim/bad Muslim distinction is deeply intertwined with the good refugee/bad refugee narrative because in Europe, as José Casanova has pointed out,

Immigration and Islam are almost synonymous. The overwhelming majority of immigrants in most European countries [excluding immigrants from other European countries] . . . are Muslims and the overwhelming majority of Western European Muslims are immigrants . . . This entails a superimposition of different dimensions of "otherness" that exacerbates issues of boundaries, accommodation and incorporation. The immigrant, the religious, the racial, and the socio-economic disprivileged "other" all tend to coincide (Casanova 2006: 226).

While the majority of immigrants in the United States are not Muslim, President-elect Donald Trump's anti-Islamic stance, including his proposal to end Muslim immigration, suggests that the "superimposition of different dimensions of 'otherness'" described by Casanova has also been taking place in the United States.

Considered in their overlapping dimension, the good Muslim/bad

Muslim and good refugee/bad refugee divides contribute to explaining the growing importance of religious identity in the politics of migration in Europe, North America, and Australia and the hierarchization of refugees according to religious-racial attributes. At the top of the hierarchy are Christian refugees, ideally victims of religious (Muslim) persecution. This is evidenced in statements from politicians in Eastern Europe, the United States, and Australia that only Christian refugees should be accepted. Next are Muslim refugees who wait patiently in camps for Western salvation and the “woman and child” or child refugees who symbolize the quintessence of vulnerability. At the bottom of this hierarchy are the “bad refugees,” mostly represented by those who escape the victim script by taking matters into their own hands, venturing to the North across dangerous and illegal routes.

The hierarchy is essential to understand Western policy responses to the crisis, such as the suspension of search and rescue operations in the Mediterranean, taking refugees directly from Syrian camps, the EU-Turkey deal and increasing cooperation between the EU and Libya to prevent central Mediterranean crossings. The official explanation of these initiatives is that they are designed to reduce ‘unintended “pull factors”, that encourage more migrants to attempt the dangerous sea crossing and thereby lead to more tragic and unnecessary deaths’ (Travis 2014). A similar line of argumentation was used to justify the reintroduction of offshore processing and third country resettlement in Australia. Adrian Little and Nick Vaughan-Williams have referred to this as ‘compassionate bordering’ – harsh exclusionary policies embedded in the language of humanitarianism, solidarity and saving lives (Little and Vaughan-Williams: 533-556). Yet, this explanation is tenuous to say the least. People on the move are fleeing for their lives. Introducing harsh measures to reduce irregular migration, whilst not at the same time opening up more legal pathways for greater numbers to be resettled does little to actually prevent people dying. The EU-Turkey deal succeeded in closing down the shortest and safest sea voyage into Europe from Turkey to Greece, but meant that migrants focused instead on the central crossing from Libya to Italy, which is longer and far more dangerous (Baker and Addario 2016). With increased collaboration between the EU and Libya, migrants are being prevented from undertaking this journey as well. While there are voices in the EU that recognize this inconsistency and

attempt to develop more nuanced approaches, reflected in the Paris Joint Statement from August last year, these approaches are in tension with prevailing models of control and return.

According to the UNHCR, the number of refugees arriving in Europe has dropped significantly since the height of the crisis in 2015, but the number of those who died or went missing trying to get to Europe increased in 2016 and in 2017 remained roughly at pre-crisis levels. By the end of 2016, more than 5000 people had drowned trying to cross the Mediterranean, over 1200 more than in 2015, despite a staggering drop in the numbers of sea arrivals from over 1 million in 2015 to 362753 in 2016 (IOM 2019). In 2017, 3033 people have drowned attempting this crossing, while only 160847 have arrived. In percentage terms, that means that in 2015 approximately 0.3% drowned, in 2016 it was approximately 1.5% and in 2017 approximately 2% have drowned (IOM 2019). In other words, while the EU-Turkey deal and EU-Libya cooperation may have contributed to slowing the number of people undertaking the Mediterranean crossing (though there are a range of other factors to take into consideration here as well), they have not stopped people trying to come to Europe and it has not stopped them from dying. We also do not know the fate of those who have been prevented from crossing or returned to their country of origin. Australia's offshore indefinite detention policy was introduced for the explicit purpose of deterring people from undertaking dangerous sea voyages and preventing them from drowning. Yet in the past 12 months, three men have died in the camp on Manus Island. In other words, deterrence driven policies, as William Maley, a law professor at Australian National University, highlights, are not about 'saving lives' or preventing 'unnecessary deaths'. Their real message is a simple one: "Go and die somewhere else" (Maley 2013).

What seems to have been forgotten in the dominant narratives around the refugee crisis is that, to put it simply, refugees *are* people. Commentaries that overly emphasize religious identity or focus predominantly on whether someone is a "genuine refugee" or an economic migrant—a distinction that is largely meaningless on the ground—willingly or unwillingly neglect the complexities that make up human beings who are currently displaced. They are not just Muslims or refugees—they are parents, children, brothers and sisters, doctors, lawyers, teachers, engineers,



citizens, activists, friends. Their identities are complex and cannot be reduced to simplified categories of Muslim or refugee.

Scholars and public intellectuals must continue to stress the diverse nature of Islam, delink Muslim, refugee, and terrorist in broader public consciousness, and remind people of the humanity of those who are currently displaced. And, we must push our politicians, policymakers, and media to do the same. We must contribute to the creation of safe spaces for difficult conversations and encounters with “others.” Most crucially, we must ensure that the advice and experiences of refugees themselves is a central component of these public conversations. Shifting focus from religious identity to solidarity with fellow human beings whose survival is at stake would be a significant step in shifting dominant discourses and attitudes to the crisis, generating greater space for alternative political and societal responses.

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# A practitioner's view on religion in the asylum-seeking process

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## Introduction

The role of religion in the asylum-seeking process is a topic which has received some attention in public discourse in recent years, particularly in the aftermath of the increased influx of asylum seekers in Denmark which reached its highest levels in 2015. The discussion also relates to the broader discussion on the role of faith in public life in highly secular societies such as the Danish.

This article is written from the perspective of a faith-based practitioner working on a national level with asylum seekers and refugees. As the coordinator of Folkekirkens Asylsamarbejde (Christian Refugee Network), which is an office at the national level in Folkekirken (The Evangelical Lutheran Church in Denmark), my primary role has been to assist local churches in their encounter with newly arrived asylum seekers and refugees. Areas of my work have included consultancy in matters of religious conversion, baptism and freedom of religion, development of social activities, networks and organizational structures, and as well as public relations. Having a national outlook and continuously talking to many local church practitioners, I have gained considerable insight into key issues in the life of the church on these matters.

This article will be introduced with a short account of how the church, historically and in recent years, has been involved in work with asylum seekers and refugees. It will then take up two main issues on religion in the asylum seeking process, namely credibility assessments of religious conversion in asylum cases, and the experiences of discrimination and conflict among converts in the asylum centres. Finally, the role and conduct of faith-based actors in relation to asylum centers will be discussed from a Christian perspective.

## **Church involvement in refugee issues: A brief overview**

The Lutheran World Federation and the World Council of Churches were both established in the aftermath of the second World War as a response to the need for international reconciliation and stronger cooperation between churches in managing the urgent refugee situation in Europe (Shjørring 2016). The ecumenical movement has thus from the onset been shaped by a context of displacement and humanitarian need. Humanitarian aid to refugees through the Department for World Service has ever since been one of the key building blocks of the communion in the Lutheran World Federation.

In more recent times, local church congregations in Denmark started work with asylum seekers back in the 1980's. Around the same time parachurch organizations began to establish ministries reaching out to asylum seekers and refugees (Larsen 2016:45). Of great importance was the establishment of Tværkulturelt Center (Intercultural Christian Centre) in 1994 as a network organization among churches and organizations with the aim to assist local churches and Christian communities across the country and to enhance coordination and spread best practices.

When Folkekirkens Asylsamarbejde came into existence in 2015 as an official desk in Folkekirken under Folkekirkens mellemkirkelige Råd (Council on International Relations of the Evangelical Lutheran Church in Denmark)<sup>1</sup>, it was therefore a mere continuation and formal adoption of decades of experience working with asylum seekers by pioneers in the local congregations and parachurch organizations.

With the current influx of asylum seekers in Europe, a renewed local involvement in the refugee situation can be observed. In the diocese of Ribe for example, the number of parishes involved in reception and integration activities rose from around 12 parishes in early 2015 to 25 parishes towards the end of the same year. By November 2017, a mapping of church activities for asylum seekers and refugees showed that there were 160 language cafés, eating fellowships, social activities, etc. across the country. In December 2017, around 50 pastors across the country had as part of their job a special appointment in the work with asylum seekers and refugees, and more than 30 non-ordained persons worked at a coor-

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<sup>1</sup> Folkekirkens mellemkirkelige Råd is the office that is responsible for relations to other churches in Denmark and internationally, so the spirit of ecumenical cooperation after the second world war has been a natural part of the work.

dinating level with integration initiatives in folkekirken or in parachurch organizations. There has also been a renewed local cooperation between churches. For example, Kirkernes Integrations Samarbejde (Churches' Integration Cooperation) in Holstebro was established in 2016 with 16 participating churches and church organizations. The goal is to enhance cooperation and coordination of local initiatives for asylum seekers and refugees who settle in the town. Several other towns have seen similar coordinated initiatives in recent years following an organizational model from Haderslev (Frivilligrådet 2016:22).

Churches meet asylum seekers according to the various needs of the person in question. Asylum seekers regardless of their religious background have various psycho-social as well as material needs. In meeting the needs, local initiatives are sometimes organized and coordinated between a network of churches, other times it is organized under another voluntary organization, for example Red Cross, the Danish Refugee Council or local civil society organizations. In addition to psycho-social needs, asylum seekers with a Christian background often request to become part of a local church or Christian fellowship. An increasing number of churches are adapting to this new need to include people with different language and cultural backgrounds in their congregations, for example by starting separate international Christian fellowships on weekdays and by translating the main Sunday service into other languages. A third group is those who are from a non-Christian background but who have expressed interest in the Christian faith and request to be baptized. People from this group also want to become part of a Christian fellowship, but in addition they will undergo an introductory course in the Christian faith as preparation for baptism. This group often has an additional need for reflection and spiritual counselling as part of their inner formation towards the newly acquired Christian life. Often times the church becomes like a new family for them as their biological family turns their back on them due to their decision to apostatize from their former religion. Thus churches seek to respond to the needs of asylum seekers and refugees in various ways according to their spiritual, social and material needs. There is a wide range of activities such as organizing friendship contacts between Danes and refugees, establishing social meeting places, assisting with Danish language, initiating international Christian fellowships, and providing pastoral counselling.

Church involvement with refugees and asylum seekers raises a number of dilemmas and issues to consider. In the following I will discuss three issues that are of particular relevance to this involvement; namely the issue of conversion during the asylum-seeking process, discrimination of converts in the asylum centers; and finally relations between asylum center management and churches and other religious actors.

### **Credibility assessments of converts in asylum cases**

One issue that has required special attention is that of conversion among asylum seekers. As described in Møller's contribution to the present volume, *sur place* conversion can serve as an additional motive for asylum in certain situations (see also Aarsheim for further discussion of this). The possibility to use conversion instrumentally to strengthen an asylum claim is a factor that naturally creates suspicion among asylum case officers. As stated in the UNHCR guidelines, "In such situations, particular credibility concerns tend to arise and a rigorous and in depth examination of the circumstances and genuineness of the conversion will be necessary" (UNHCR 2004:12). Due to this complicating factor, a comprehensive process of reflection has taken place in folkekirken in the past 15 years in order to safeguard against a situation where baptism is used for instrumental purposes as a shortcut to asylum in Denmark. It resulted in a set of guidelines expressed in the document *Kirker kontakt med og evt. dåb af muslimske asylansøgere* (Churches' contact with and possible baptism of Muslim asylum seekers) which was published in 2004 and revised in 2016. The document stresses that the gospel is for everyone and that religious freedom – including the right to change religion – is for every human. Therefore, the church also welcomes asylum seekers who request to be baptized (art. 1). However, following the judicial practice of the immigration authorities such a conversion will not necessarily be an additional argument for asylum. The baptismal candidate should be thoroughly informed about this fact (art 3). The potential repercussions in relation to Muslim family members and friends should similarly be stressed (art 4) as well as risks related to a potential deportation in the future (art. 5). Considering these special circumstances regarding asylum seekers' conversion, adequate time for preparation before baptism is needed in order to secure enough time to reflect on the potential personal cost as well as to build a solid Christian practice and understanding of the faith (art 6).

Iranian nationals comprise a significant percentage of the new converts in Denmark, and in Europe in general. An underground Christian revival has taken place in Iran since the Islamic Revolution in 1979 and has gained significant ground in recent decades, also in the diaspora (Miller 2015). This revival has been felt in Danish churches since the new millennium where several hundred Iranians have been baptized. The phenomenon was initially limited to a few churches such as Apostelkirken (Church of the Apostle), Netværkskirken Metropol (Metropolitan Network Church)<sup>2</sup> and Mohabat (Church of Love), but the need to support local churches in receiving and caring for the Iranian converts rose with time. The bishops therefore decided in January 2014 to appoint a national network of resource pastors on matters of conversion among asylum seekers. When Folkekirkens Asylsamarbejde was established in 2015, one of the main tasks was to support the activities of this network, for example by facilitating the collection and spreading of best practices, collecting and developing new materials, advising pastors on conversion issues, and establishing dialogue with state, municipality and NGO's partners, etc. With the arrival of a rapidly increasing number of Iranian asylum seekers in the last months of 2015, Iranians rose to become the second largest nationality of asylum seekers in 2015 with a total of 2771 persons, only second to the Syrians. In comparison, the total number of Iranian asylum seekers in 2014 was 284. This steep increase was felt in Danish churches across the country. Based on a survey by Folkekirkens Asylsamarbejde in March 2016 and subsequent counts, it is estimated that at least 500 asylum seekers were baptized or have been undergoing preparation for baptism in 2016 in folkekirken as well as other Danish churches. The vast majority of them were Iranians. Some churches across Europe report similar developments, but the exact numbers of recent converts are not known.<sup>3</sup>

Thus the question of converting asylum seekers came to dominate the scene nationally as many more pastors and local congregations became involved in the work. Towards the end of 2016 a new revised version of

2 The pastor in this church, Kenneth, Kühn, recently became the Europe Director in Elam Ministries which is a leading network organization supporting the growing Iranian church in the Persian areas as well as in the diaspora.

3 European churches say growing flock of Muslim refugees are converting: Guardian June 5, 2016, <https://www.theguardian.com/world/2016/jun/05/european-churches-growing-flock-muslim-refugees-converting-christianity>



the guidelines for churches encountering asylum seekers who want to be baptized was published. The revised version emphasized that under-age refugee minors should not be baptized until they turn 18, it emphasized the role of the whole church congregation in receiving and caring for the newly converted, and it mentions the possibility that a pastor can write a statement describing the process leading to baptism, which can be attached as documentation in an asylum case. Furthermore, an analysis of the credibility assessment of converts in the Refugee Appeals Board in the period 2013-2015 was carried out and supplemented with recommendations from a pastoral and theological perspective. The analysis affirms a general picture in the judicial system where “the Danish practice regarding credibility assessments has found its way so that it by and large takes into consideration the special challenges relating to asylum cases where conversion is part of the asylum motive” (Folkekirkens mellemkirkelige Råd 2017:14).

A crucial point in this regard is the underlying approach to credibility assessments in conversion cases. The Refugee Appeals Board is in line with the recommendations in the report when it affirms the use of a narrative approach rather than approaches that emphasize factual knowledge of the newly acquired faith. A fact-based approach can say something about a person’s knowledge about the faith but will tell little about the subjective affiliation to that faith. A narrative approach examines subjective factors such as motivations for the religious quest and how the new faith has been acquired. It evaluates the conversion story in relation to the life story in general and asks if the conversion seems integrated or as an appendix to the life story. Even with this general approach in place, the difficulty in assessing the credibility of another person’s subjective faith may be a challenge in practice. Members of the Refugee Appeals Board coming from a more secular mindset may not fully understand or have adequate knowledge of church life, conversion processes, transcendent experiences, or theological differences, which provide the general context for understanding an applicant’s conversion narrative. By December 2017, around 40-50 converted asylum seekers, who had been labelled not credible and were awaiting deportation in the deportation centre in Kærshovedgaard, participated regularly in Christian activities in the local church. Some have displayed a consistent Christian practice for several years, others were more recent converts. What the deep convictions of

those people are, nobody knows for sure. But this reality is revealing of the dilemma of credibility assessments in conversion cases.

### **Discrimination and conflicts in asylum centres**

Social exclusion, harassment, threats and even violence are some of the repercussions that converts report that they experience from family, friends, and countrymen. The extent of this problem is unknown and misperceptions therefore easily spread in public opinion. From the general experience of pastors and other church people who work with converts it is the general view that problems exist at some level. Folkekirkens Asylsamarbejde recurrently receives reports from local churches and ministers of incidents that range from social exclusion to harassment, threats, and in some instances even violence. But since no independent inquiry into the matter has been conducted to date, there is little evidence to describe the actual extent and nature of the problem. When investigating specific cases, it can be difficult to establish the actual events and discern potential underlying religious motivations behind the incident. Whereas violent action is tangible and easily detected, the motivations behind actions of violence, threats or harassment are sometimes more implicit and difficult to discern. Furthermore, what is subjectively perceived by a supposed victim of harassment may differ from what was the intention of a perceived perpetrator due to differences in cultural codes or the victim's paranoia due to past experiences.

What can be established with some certainty is that the subjective *experience* among converts of being harassed or threatened is relatively widespread. Anecdotal reports from local pastors include stories of one convert, who did not use his real name because it would reveal the apostasy. Another convert experienced harassment because he was wearing a cross. A woman experienced social exclusion from her countrymen because she did not dress traditionally. Yet others reportedly withdrew themselves from their Muslim countrymen because they felt threatened. One person was deliberately disturbed by his roommates when he pulled out his Bible to read in it. Another convert experienced others throwing trash at him. In at least a few cases in recent years, the hostile environment towards converts has reportedly turned violent and resulted in for example knife stabbings in a conflict about religious observances of kitchen utensils.

In a survey among 48 asylum seekers in Apostelkirken International on a given Sunday in 2014, 35% responded *yes* to the question “I have experienced threats or violence because of my participation in Apostelkirken, my baptism or my conversion” (Apostelkirken International, unpublished). The survey was conducted on the initiative of the church itself and should not be considered representative of converted asylum seekers across the country, since it may be an expression of local realities. However, it is an indication of a significant problem that calls for a more in-depth investigation and analysis by an independent investigator.

Staff in Danish asylum centers may not always deal with instances of conflicts and discrimination in an adequate manner, in part because they fail to acknowledge or understand the role of religion in these instances. Many asylum centers build, whether explicitly or implicitly, on a secularist approach, promoting a conception of the center as a ‘religiously neutral’ space and relegating religion to the private sphere. While such approaches are often motivated by a commendable wish precisely to avoid discrimination and conflict, they make little sense to many asylum seekers for whom religion is a deep conviction, pervading and permeating all aspects of human life. To them, a ‘religiously neutral’ space is anything but neutral, and a privatised religiosity would be an amputated religiosity. The secularist approaches to and conceptions of religion among asylum center staff mean that they, in their management of conflicts and issues of discrimination, sometimes fail to take into account the role of religion. For example, when some Christian converts experience hostile attitudes from some Muslims, this can – at least in part – be explained by the fact that apostasy is forbidden according to mainstream Islamic thought. It is a challenge that is theological; hence it should be addressed as such.

Folkekirkens Asylsamarbejde has been advocating an approach where religious motivations are openly articulated and addressed rather than neglected or suppressed. Rather than religious neutrality (meaning that public spaces should be free from religion) we promote an approach of religious diversity and tolerance. An example of this is a pilot project in the asylum center in Jelling where the diocese of Haderslev in cooperation with a local imam and the Red Cross has started an initiative called “freedom of belief and speech”. The aim of the project is to address issues of freedom of religion and speech in asylum centers by addressing the topic explicitly in teaching sessions for adult residents at the asylum

centers. An Imam and a pastor are jointly teaching the course, presenting the theme of freedom of belief and speech as it is understood in Denmark and adding arguments in favour of this from their respective faith traditions.

### **Faith-based actors working in relation to asylum centers**

A third issue of relevance to churches and other religious actors working with asylum seekers is that of relations with the asylum centers. Some asylum center managements are suspicious towards cooperation with religious actors, including e.g. church and mosque representatives, faith-based NGOs, or other religious groups and organisations. Fearing that certain religious actors may act insensitively towards the residents of the centers, many impose restrictions on all religious actors' interaction with asylum seekers, and there are examples of representatives from churches or other religious organisations not being allowed into the centers, or to announce their activities on the centers' information boards.

While fears of proselytization and social pressure are certainly well-founded in certain cases, the indiscriminate restrictions on *all* kinds of religious actors seem unnecessarily harsh and counterproductive. Treating all religious actors – whether Salafist organizations, Jehova's Witnesses, folkekirken or a local imam – as part of one generic group under the headline “religious actors” instead of assessing each of them qualitatively, the asylum centers miss out on valuable resources and support. Potential volunteers are discouraged from getting involved in social work with asylum seekers, and asylum seekers who want to have contact with religious communities or attend religious activities have restricted access to these. Religions and religious actors are different, and their motivations, methods and activities differ. Rather than categorizing groups or organizations into religious and non-religious, a qualitative assessment could be made of each, ensuring a more flexible and open approach: Does this group of people understand the sensitive matters when working with asylum seekers? Do they respect the personal integrity of people of different faiths or worldviews? Are there any underlying motives or proselytizing agendas? Do they cooperate well with others and do they respect the codes of conduct defined by the center administration?

While Christian organisations and institutions approach issues of being a faith-based actor in a secular and religious pluralistic setting in

highly different ways, there are some themes that are commonly upheld as basis for good conduct. I will here suggest three of the most important theological concepts that should undergird a sound Christian conduct in relation to asylum seekers. These three concepts can be described under the headings *unconditionality*, *relationality* and *translatability*. Firstly, the unconditionality of love is a concept which has its basis in the character of God himself, who reached out to humanity even though we were formerly strangers and enemies to him. His acceptance and forgiveness is not conditioned on our human abilities or our acceptance of him. This unconditionality that characterizes the love of God is also the basis for understanding how Christians are called to extend love to others regardless of their background. Thus unconditionality is a key tenet of a true Christian witness to the world, including to residents in asylum centers of different religious background. A second theological point is the concept of relationality. In the Christian faith, God is understood as a Trinity, meaning that God exists as an internal relation between the three persons in the one godhead. God thus from eternity exists as a divine relation. As humans created in his image, we are likewise by nature relational beings, created to establish fellowship with God and with each other. When it comes to asylum seekers, one easily falls into the pitfall of taking the role of benefactor and thus reduce asylum seekers to passive recipients of our assistance, material and otherwise. However, any objectification or instrumentalization of another human being is conflicting with the Christian understanding of the relationality of God. Rather, the concept of relationality means that establishing community with other people, including with asylum seekers, is a main purpose in itself. A third theological point is the concept of translatability.<sup>4</sup> It has its theological roots in the Christian concept of the incarnation, which is the understanding that God entered this world by becoming a human being in Jesus Christ, thereby embracing and affirming human culture and language as valid mediums of expressing truth. The incarnation is paradigmatic for understanding how the Christian gospel encounters and embraces people from different local cultures. Rather than rejecting cultural particularities and replacing them with universally upheld religious practices such as

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<sup>4</sup> It has most clearly been developed by the Gambian theologian, Lamin Sanneh, in his book *Translating the Message* (1989).

food regulations, restrictions on how to dress, observance of festivals and rituals, or giving primacy to particular geographical sites or languages, a Christian approach to asylum seekers from other backgrounds affirms and encourages cultural particularity and plurality.

On a more practical level, the most widely accepted principles for Christian conduct on a global scale are expressed in a document from 2011 called *Christian witness in a multi-religious world: Recommendations for conduct* (World Council of Churches et al. 2011; published and translated in Mogensen 2015). This document seeks to establish a theological basis for conduct in Christian witness and service to the world and gives tangible recommendation for Christians working in multi-religious contexts. Principles from this document can also be applied to the specific context of working with asylum seekers. The document establishes that Jesus Christ is the supreme witness and consequently that Christian witness is always sharing in his witness. It means following his example in word and deed, for example in the form of proclamation, service to others, and giving of oneself. Furthermore, the document affirms that culturally inappropriate methods of mission and the use of deception or coercion is a betrayal of the Christian gospel itself. It emphasizes that conversion is ultimately a result of the work of God and thus not the responsibility of humans. And in line with that it stresses that changing one's religion is a human right which flows from the very dignity of the human. In sum, the basis for understanding Christian presence in a pluralistic world, including in relations to asylum seekers, is the overflowing of the unconditional love of God, which Christians are called to extend to others with respect for the dignity of every human, thereby attesting to the nature of God in word and deed.

### **Concluding remarks**

In the aftermath of the Second World War, churches in Europe were at the forefront in managing the refugee crisis. With the increased influx of refugees in recent years, the body of churches in Denmark has again proven to be one of the most important civil society agents in receiving asylum seekers and refugees. This is often an overlooked reality in the public discourse where secularist ideologies prevail, sometimes prompting a suspicious attitude towards religious actors, who are often seen as a generic category in both public thinking, administrative practices and

legislation. This secularist attitude emerges in some of the challenges that churches experience, whether it is the quality of credibility assessments of converts in asylum cases by immigration officials, the management of conflicts and discrimination towards converted asylum seekers in asylum centers, or it is about issues of cooperation between asylum centers and faith-based actors on social initiatives. Rather than taking the approach of religious neutrality in the secularist sense of trying to promote neutral spaces, public actors working with asylum seekers could benefit from bringing religious perspectives to the table and building stronger alliances with faith-based communities based on a qualitative assessment of each faith group.

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# Routes to Christianity and religious belonging among Middle Eastern Christian refugees in Denmark

Sara Lei Sparre and Lise Paulsen Galal

## Introduction

When I came to the church in Taastrup, I was very disappointed. [...] There were no priests, and the church had been closed for a while. I just lay there, waiting. I fetched a cardboard box and wanted to wait for the priest to wake me up. But an administrator appeared, telling me that I couldn't stay there: "The police will come and arrest you, and the church will get trouble. When we have a priest, I will call you or you can call the church, but the church cannot take responsibility to protect you or do anything. You have to go to the authorities."

(Malik<sup>1</sup>, refugee, male in his 40s)

This newly arrived Egyptian in Denmark told his story of how he looked for shelter, community and religious belonging in the Coptic Orthodox Church in Taastrup outside Copenhagen and how he was disappointed. The church was closed and did not provide much help in the time of refuge and distress. His experience is just one of many similar ones among Christian refugees in Denmark, where not only are the Christian immigrant communities rather small but the churches – and other religious communities – have not traditionally played a large part in caring for newcomers. This is different from other places in Europe. In Austria, for example, when the state agreed to receive 500 refugees as part of a humanitarian resettlement programme in 2013, the Syriac Orthodox Church and community took care of all relevant resettlement issues for 150 Syriac Orthodox members and supported the new arrivals (Schmoller 2016). The smallness of the Christian immigrant communities in Denmark is

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1 All names are pseudonyms.

one explanation for the lack of direct involvement. The primary explanation, however, is the role played by the welfare system in organising and catering for asylum seekers and refugees (Brochmann et al. 2012), leaving little room or necessity for non-state actors. Although this may be about to change, since local Danish churches now more than ever seem to offer activities for asylum seekers and refugees (see Dalsgaard in this volume), in the above example, the welfare state is what the administrator refers to when he tells Malik to go to the authorities.

In this chapter we explore how Middle Eastern Christian refugees have navigated arrival and settlement in Denmark and how their routes to Christianity and (religious) belonging have been shaped by a Danish landscape of secularism and small religious communities. The chapter proceeds with a short introduction to Christians of Egyptian, Iraqi and Assyrian origin in Denmark followed by an analysis of individual narratives of arrival and settlement, where we argue that Middle Eastern refugees in Denmark construct three different routes characterised by struggling, integrating, and volunteering. The cases of Malik, Yusuf and Ramina highlight both similarities and differences in experiences and trajectories, which illustrate some of the dominant formative patterns among many more research informants.

## **Middle Eastern Christian refugees in Denmark**

In this chapter, we focus on Christian refugees of Egyptian, Iraqi and Assyrian origin. Our findings are part of the collaborative research project 'Defining and Identifying Middle Eastern Christians in Europe' (DIMECCE)<sup>2</sup> and stem from fieldwork carried out in Copenhagen and Aarhus throughout 2014. We draw on participant observation in a number of Middle Eastern Christian churches, 43 individual qualitative interviews and six focus groups with Christian migrants and descendants of migrants, as well as 23 interviews with representatives from Danish institutions and organisations. In Denmark, most Middle Eastern Christians are of Iraqi origin. In 2014, there were at least 3,500 Christians of

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<sup>2</sup> See <https://arts.st-andrews.ac.uk/dimecce/>. The DIMECCE project has received funding from the European Union's Seventh Framework Programme for research, technological development and demonstration under grant agreement no 291827 and is financially supported by the HERA Joint Research Programme ([www.heranet.info](http://www.heranet.info)).

Iraqi background, while 500-600 Christians have their origin in Egypt.<sup>3</sup> The vast majority of the Iraqi Christians are refugees or descendants of refugees who, like other Iraqi refugees in Denmark since the 1980s and mainly throughout the 1990s, fled political conflicts, wars and persecution in Iraq (Danneskiold-Samsøe 2011). Among the Christians from Iraq, many identify as Assyrians. Most of the Christians of Egyptian origin came as work migrants between the late 1960s and the 1980s. However, the ones we refer to in this paper arrived more recently asking for asylum, and they speak of themselves as refugees. As adherents of the different Christian denominations increased in numbers during the 1980s and 1990s, a number of congregations and churches were established. Today, the four main Middle Eastern denominations in Denmark are the Coptic Orthodox Church, the Assyrian Church of the East, the Ancient Church of the East, and the Chaldean Catholic Church (Sparre et al. 2015).

### **Routes to Christianity and religious belonging in Denmark**

In their first encounters with Danish society, many interviewees expressed surprise and initial disappointment as to the role of Christianity in Denmark. Before arriving in the country, they were aware that the majority of Danes were Christian, yet the secularist discourse and lack of religious practice was an unpleasant surprise to most. Ramina, for example, said: “We heard that Denmark is a Christian country, and we think that this means that it is similar to how things work in our homeland. But we all got surprised or shocked when we arrived in Denmark. OK, it is a Christian country, but its people are not religious? They are not religious?!” With time, Ramina and her husband learned to accept these circumstances, yet they continued to hold on to their own religiosity and religio-ethnic belonging as Assyrians (see below). Others, like Malik, criticised what they saw as ignorance and indifference among the majority of Danes as regards Christianity in general and Middle Eastern Christians in particular.<sup>4</sup> A more positive evaluation of the Danish

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3 All numbers are estimates, because no official statistic covers religious affiliation. Instead, the numbers are based on calculations made by the congregations themselves and by [www.migrant-menigheder.dk](http://www.migrant-menigheder.dk) and Cross-Cultural Center (<http://www.tvaerkulturelt-center.dk/>) in Denmark.

4 For an elaboration of this argument, focusing on Iraqi Christians' experiences of invisibility as Christians and visibility as Middle Eastern Muslims in Denmark, see Sparre 2016.

secularism was given by Yusuf, who argued that the Danes “live Christian lives, good Christian lives, but they just don’t know that they do”. Below, we show how Christian refugees from Iraq and Egypt navigate discourses of Christianity and experiences of being Christian in different ways once they reach Denmark, and examine their routes to Christianity and religious belonging in a context characterised by strong secularism and small Christian migrant communities. Whereas the interviews took place in 2014, the analysis below addresses the way they construct meanings from experiences that took place mainly in the 1990s.

### *Struggling to find a place*

Malik was in his early twenties when he came to Denmark as an asylum seeker in 1996. He spent two and a half years in different asylum centres before being granted a residence permit. Repeatedly, Malik talked about the disappointment he felt back then and still feels in his encounters with Danish society and authorities, as well as with his own church in Denmark. In fact, he described all aspects of his life in Denmark in terms of “struggling”. He had to struggle to get permission to stay, struggle to get an education, and struggle to find a job. Similarly, Malik narrated his route to Christianity and religious belonging in Denmark as a struggle to find his place within a migrant community in which its members had very different experiences. As described in the introductory example, Malik’s first experiences with the Coptic Orthodox Church in Denmark were far from what he had expected. Not only were there no priests at that time, but the church offered very little to its congregation in terms of activities and guidance. He also learned that most of his fellow believers in Denmark engaged with the church very differently from what he was used to in Egypt. Most of them came as work migrants during the 1970s, searching for better life opportunities abroad, and their children were born in Denmark. Unlike Malik, they did not leave Egypt due to discrimination and persecution because of their Christian faith which, according to Malik, is one of the reasons that they did not commit themselves fully to the church community:

Many studied to become engineers and doctors, and they have become successful. But in the middle of this they lost their relationship to the church, because they spent their life working, and they didn’t spend much

time together in the church. In Egypt, there is a lot of pressure on Christians, but in the church, you feel protected. But here Christians are not in danger.

Malik wanted Copts in Denmark to engage more with each other. Inspired by his experience with a strongly organised Coptic community in Egypt<sup>5</sup>, he found his route to Christianity and belonging in the migrant context through working towards gathering the Coptic community in Denmark and assisting the priest in running the church. Besides his family and full-time job, he involved himself deeply in the church, taking over administrative and accountant responsibilities. In addition, he built up a database of Copts in Denmark. His efforts can be seen as a struggle to find his place and prove his worth within the framework of this specific religious migrant community. Furthermore, he attempts to live out his religiosity in a context where religiosity is “to a great extent viewed as a personal and private affair” (Rubow 2011, 100) and not something to be discussed over lunch. “As soon as I approach the subject of religion, it is rejected [by my colleagues]: ‘Ok, we don’t want to talk about something as uninteresting as this’.”

Malik did not talk about other religious communities or institutions in Denmark, and it seems that he only involved himself in the Coptic Church and congregation. This was possible, since the Copts in Denmark had already established a congregation with its own church building by the time of Malik’s arrival.<sup>6</sup> For many other Christians from the Middle East, mainly Iraqis, this was not an opportunity they had when they first came to Denmark as asylum seekers or refugees throughout the 1980s and 1990s. Most attended their first services in Denmark in one of the Danish Lutheran churches.

### *Integrating through Christianity and church attendance*

Yusuf and his family fled from Baghdad to Copenhagen in 1995 after receiving threats to their lives for some time. Before that, they lived a good

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5 Since the 1970s, the Coptic Orthodox Church in Egypt has experienced a successful social and religious revival that has strengthened the role of the church in social, political and religious matters alike. In particular, the church has reached out to the youth through a Sunday School movement and invitation to serve in the church (Galal 2009).

6 Worship and occasional services began as early as 1970, and in 1996, the Coptic Orthodox community in Denmark consecrated its first church building in Taastrup outside Copenhagen.

and privileged life, and they attended service on a weekly basis. Fleeing Iraq, they had to give up a lot:

Our house was so big that each one had his own bedroom, and we were members in social clubs, five social clubs, where we could go and play tennis, swim, have parties and all these things. We had two cars at home, and then, suddenly all this disappeared and we came to a single room, the five of us living in a single room.

What Yusuf found most difficult was “the uncertainty of the future” due to the long management and decision about their case, but the family found some comfort in Christianity. “What saved us was our faith. We used to pray and have faith that God would not leave us like that, that it takes time, but that it will finish in a proper way, and we thank God that it is like that here.” While staying in the asylum centre, the family started attending service in one of the Danish Lutheran churches in Copenhagen. “We were staying at the camp, and we found an address saying service in English. Okay, we can understand that.” At that time, the ecumenical association *Cross-Cultural Centre*, which aims to make bridges between the Danish Lutheran Church and Christian immigrants, had just been established, and they had put up posters about church services in the asylum centres. This service addressed particularly Christian immigrants in Copenhagen. Thus, Yusuf and his family found their way to Kingo’s Church, where they were warmly welcomed, and at the time of the interview the family still attended service here regularly: “Kingo’s is still close to my heart, because we started there, and we are really close friends to the priest and his family.” Later on, he started coming to the Coptic Orthodox Church in Taastrup due to the similarity in dogma between his denomination, the Syrian Orthodox, and the Coptic Orthodox, and more recently he involved himself in the establishment of a Syrian Orthodox congregation in Copenhagen. Besides this, he sometimes attended service in the Catholic Church. He did receive some comments from other Orthodox Christians about this, but Yusuf maintained, “we only have one Jesus Christ, and this is what is important”. In fact, he realised that he could learn a lot about Danish society through church attendance: “The best way of getting into the Danish society is through the gate of the church. Because when you get to the Danes through the

church, you don't meet this prejudice that is against foreigners. They meet you as a brother or sister in Christ. That makes a difference." Thus, for Yusuf attending different churches became a way to navigate and integrate in a new society and a way to cope with the discrimination and prejudices he, like other Middle Eastern immigrants, encountered on a regular basis.

*Volunteering for the younger generations*

Ramina and her family also arrived in Denmark during the 1990s. They were appointed a small temporary apartment in the outskirts of Aarhus after having been granted political asylum while in Iran. At that time, no churches serving their denomination or any other Iraqi Christian denomination existed in Aarhus. Instead, they started attending service in the local Danish Lutheran church despite not speaking or understanding the language: "In the beginning, we didn't speak the language, but it was just about being physically in the church. The church is a physical space, right? This is where you get the holy, so it means a lot to us." The Danish priest welcomed the new family and tried his best to inform them about the church and its activities. Yet shortly, when they learned about the newly established Assyrian congregation in Aarhus, they started attending service there and stopped coming to the Danish church.

But unlike Malik and Yusuf, Ramina's route to Christianity and belonging in Denmark does not go solely through the church. While the Assyrian church in Aarhus was very important to her and her family, and she almost never missed a service, she quickly found another means to belonging and meaningfulness in the new society. Ramina established an association aimed at gathering children and youth to teach them about their Assyrian background and heritage, cultural as well as religious. Here the Assyrian children and youth attended lessons in activities such as dancing and cooking, as well as learning the reasons that Christians celebrate Easter and Christmas. What motivated Ramina was a wish "to do something for the children in order to better integrate them into society rather than choosing the wrong direction". Thus, her route to Christianity and belonging in a migrant context goes mainly through passing over knowledge and traditions to the younger generations and for her, Christianity and her Assyrian



ethno-national origin are strongly connected. This is also a way of showing externally (to the Danish majority population), who they are and where they come from.

### **Christian refugees and belonging in Denmark: Different routes and the factors shaping them**

Judged from their narratives, Christian refugees from Iraq and Egypt were rather preoccupied with their routes to Christianity and religious belonging – and the challenges to these – upon arrival and settlement in Denmark throughout the 1990s.

The three routes of Malik, Yusuf and Ramina, although different, share an investment in religion as a resource for comfort and for belonging. Despite Malik's experience of facing misrecognition of his religiosity while applying for asylum, and after having been awarded a residence permit, he still chose to spend time and energy in the church in order to create the kind of community he saw as comforting and offering a place for belonging. Yusuf, on the other hand, emphasised how religion had become a resource along the route from refugee to citizen in Denmark. It provided comfort in times of uncertainty, and it facilitated a positive connection with the Danish society, while also enabling a transnational belonging. Thus in the end, Yusuf described religion as a resource for integration, while Malik rather saw it as an obstacle because of the secular approach in the Danish society. All three took on a responsibility to develop and strengthen ethno-religious communities in order to make it a resource for others. However, their motivations differed slightly. While Malik seemed to be mostly preoccupied with strengthening the *religious* belonging of the community, Ramina saw the strengthening of the Assyrian *cultural* identity as a resource for better integration into Danish society across generations. For Yusuf, on the other hand, religion in a wider sense was a bridge to Danish citizens, majority and minority, with values more like his own.

The cases of Malik, Yusuf and Ramina illustrate dominant patterns among many more interviewees, and together they also point to a number of factors influencing which routes were in fact available for Christian refugees from the Middle East in a Danish context. First of all, in their first encounters with the Danish asylum and integration system, Middle

Eastern Christians, like other refugees, were met with a strong idea of “neutrality” as to their religious background and cultural origin. Due to the combination of a strong welfare system and a sense of cultural homogeneity (Pedersen 2014; Olwig and Paerregaard 2011), there is in Denmark a cultural focus on sameness, which only to a very limited extent acknowledges ethnic and religious differences. This focus on sameness reflects clearly in the following statement by the director of one of the asylum centres: “We are of the opinion that we respect all religions. [...] We don’t rely on knowing a lot about the culture they come from or a lot about their religions, right? We have to have a professional knowledge about people in difficult circumstances.” The argument is that they prioritise treating all asylum seekers equally, which in their interpretation paradoxically makes it necessary to ignore the differences. A similar argument is found on a larger, global scale in international humanitarian organisations, where a discourse of impartiality and neutrality leads to a marginalisation of religious discourse and insight in refugee assistance (Ager and Ager 2017).

Secondly, while some find their way to Danish Lutheran churches and some continue to attend service here occasionally, most Middle Eastern refugees do not find a meaningful religious community or experience religious belonging among majority Danes, partly due to the strong secularism and the religious indifference they experience in their daily encounters. Instead, they organise in smaller Middle Eastern Christian migrant communities which, due to their small numbers and the assimilative nature of Danish politics, stay as rather invisible minorities within a minority (Galal et al 2016).

Finally, being small and with few resources, the Middle Eastern Christian migrant communities, unlike for example those in Austria, are not considered possible partners in providing social services and welfare. Instead, they are viewed solely as spiritual communities relevant only for the purpose of worship, while municipalities and secular humanitarian organisations like the Red Cross until recently have been seen as the only actors involved in activities and assistance for refugees (cf. Ager and Ager 2017).

## New routes in a changing landscape?

While the Middle Eastern churches themselves are still rather marginalised as civil actors, traditional Danish religious majority institutions are starting to play a larger role within the refugee and integration regime (Furseth 2017). The Danish Lutheran Church and the Pentecostal Church, as well as a number of ecumenical organisations, are increasingly addressing asylum seekers and refugees with different activities, for instance Danish language teaching. As the director of one of the asylum centres put it: “It is to supplement our own funding, because like all over the country, we are subject to large cutbacks, so we work hard to attract donations from outside.” The director is referring to how local churches regularly offer activities, transport and food to asylum seekers.<sup>7</sup> Yet, such contributions from Danish churches are still contested by both national and local decision makers who, from their strongly secular position, argue that church involvement in social welfare is a form of mission work. This development does, however, pave the way for potentially new or strengthened routes for Christian asylum seekers and refugees alike. As far as religious majority institutions offer inclusive Christian spaces, Middle Eastern Christians may more easily find a route like the one described as integrating through Christianity and church attendance in the analysis of Yusuf’s narrative. It is, however, important to notice that all three narratives stress the importance of Middle Eastern Christian church communities as a space for identification and commitment. It may therefore be of specific interest to see how the changing landscape may either further marginalise Middle Eastern Christians or give them a more central role by translating the commitment that they evidently have to a broader engagement in issues of general concern in the Danish society.

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<sup>7</sup> Consequently the increasing church involvement can be seen as just another example of a turn towards neo-philanthropy as an alternative to social welfare, which suggests the integration into local sub-communities as a way to become empowered, freeing the state from a responsibility it increasingly defines as a burden (Villadsen 2008).

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# Religion at asylum centres – from a human rights perspective

Eva Maria Lassen

Religion and the exercise of freedom of religion or belief in asylum centres is a research field still in its infancy. Moreover, it is a complicated field, as the asylum seeker's situation may place more positive obligations on the State than normally is the case with freedom of religion or belief. Religion at asylum centres is thus, from a scholarly human rights perspective, a new and stimulating – and at times even perplexing – field. In this paper, I will introduce religion at asylum centres as a research topic, with particular attention paid to asylum centres in Denmark.

The paper will first outline the scope of freedom of religion or belief with a particular focus on State responsibility. Then the regulation of freedom of religion or belief of prisoners will be discussed, as a means of understanding the extent to which the State may have positive obligations vis-à-vis freedom of religion in situations, where individuals are in the care of the State. Subsequently, I will zoom in on Danish asylum centres. Asylum seekers in Denmark are, as the general rule, placed in open centres, which facilitates the asylum seekers' ability to exercise their freedom of religion without the assistance of the State. Nonetheless, the State may have positive obligations in a number of areas linked to religion, and the paper identifies these areas, touching upon both collective and individual manifestations of religion, inside as well as outside of the centres. At the same time, the State may have to limit the exercise of freedom of religion inside the asylum centres, but only if legitimate grounds suggest this limitation.

## **Setting the scene: Freedom of religion or belief**

Freedom of religion or belief has always been part of the international catalogue of rights and is included in international declarations and conventions, as for instance the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights of

1966. Zooming in on Europe, in the European Convention of Human Rights of 1953, freedom of religion or belief is understood in a comprehensive way:

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.” (Article 9,1)

The Convention regulates situations where the State can restrain religious manifestations:

“Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.” (Article 9,2)

Freedom of religion is one of the Classical human rights, dating back to the forerunners of modern human rights, such as the French Declaration of the rights of man of the 18<sup>th</sup> century and most Western democratic constitutions of the 19<sup>th</sup> century. Historically, freedom of religion or belief was primarily a negative right: the State shall leave religious life to its citizens. This main characteristic remains. However, in some instances, prisons being a prime example, the State has a positive obligation to ensure that the individual can exercise this right.

The general principle underlying human rights is that human rights are for all. Also asylum seekers are entitled to exercise both the individual and collective dimensions of freedom of religion, cf. the Refugee Convention that lays down that:

“The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children.” (Article 4)

However, as we shall see, State obligations vis-à-vis the asylum seekers' exercise of freedom of religion is but slightly regulated in international human rights law.

An area that is much more regulated according to international standards, also in Denmark, is the freedom of religion of prisoners. The right of freedom of religion of prisoners is interesting in the context of freedom of religion of asylum seekers, because of the role of the State in both cases. Whereas prisoners to a pronounced degree are in the care of the State, asylum seekers are to a varying degree dependent on the State to practise their religion.

### **Freedom of religion of prisoners<sup>1</sup>**

It goes without saying that it may be difficult for detainees to exercise their freedom of religion without the active assistance of prison authorities. The State therefore has positive obligations. This is the object of the UN Standard Minimum Rules for the Treatment of Prisoners (the so-called "Nelson Mandela Rules") of 2015. The Rules determine that the authorities under certain conditions shall appoint a qualified representative of a religion:

"If the prison contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis" (Rule 65, 1)

The prisoners must have access to regular service and to pastoral care,<sup>2</sup> and no prisoner should be denied access to a qualified representative of any religion, and must, reversely, be free to refuse visits from such a person.<sup>3</sup> Moreover, the Mandela Rules stress both the individual and collective dimensions of freedom of religion or belief:

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1 For an overview of international standards as well as Danish domestic regulations on and practices of freedom of religion of prisoners, see Andersen and Kessing 2017, pp. 82-91.

2 "A qualified representative appointed or approved under paragraph 1 of this rule shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his or her religion at proper times" (Rule 65, 1).

3 "Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his or her attitude shall be fully respected". (Rule 65, 3).



“So far as practicable, every prisoner shall be allowed to satisfy the needs of his or her religious life by attending the services provided in the prison and having in his or her possession the books of religious observance and instruction of his or her denomination.” (Rule 66)

Security concerns may necessitate the authorities’ denial of certain inmates’ access to participation in religious services. In this case, the prisoners concerned should as far as possible have access to religious services by means of electronic media. Also special dietary requirements based on religious rules should be met (Bielefeldt, Ghanema and Wiener, 2016, pp. 415-438).

In recent years, religiously founded radicalisation of detainees has drawn the attention of politicians and authorities. In practice, the confusion between religiosity and radicalism regularly appears to take place, with the result that some prisoners shy away from manifesting religious beliefs for fear of being reported as (potentially) radicalised. A number of international guidelines underline that violent extremism should not be confused with the practising of religion, and that, in fact, prisoners may become more religious in prison because of the particular circumstances, without being radicalised. For instance UNODC’s Handbook of 2016 warns against this confusion. Similarly, the EU Radicalisation Awareness Program (RAN) states that “it is very important not to confuse people who might have (re)discovered their faith with people who have developed radical views... prejudices around the linkage between religion and extremism remain very present and may hamper good risk assessment”.

Asylum seekers who are detained may, generally speaking, be in need of similar assistance from the authorities when wishing to exercise their freedom of religion. This applies in particular to detained asylum seekers, the focus of the next section.

## **Detained asylum seekers**

At the outset, we must distinguish between detained and non-detained asylum seekers. As far as detained asylum seekers are concerned, the situation of this group resembles prisoners the most, and it is for this category of asylum seekers that normative international standards exist. Thus in 2012 the UNHCR published “Detention Guidelines: Guidelines on the Applicable Criteria and Standards relating to the Detention of

Asylum-Seekers and Alternatives to Detention”, in 2014 supplemented by a plan for monitoring the Guidelines (APT and UNHCR, 2014). According to this plan, the State must ensure that the right of each detainee to practise his or her religion, alone or in community with others, is respected; that private pastoral support and care are available at the detainee’s request on a regular basis and at times of personal need, including in preparation for release, removal or transfer; that all detainees are able to participate in religious services; that detainees are able to obtain, keep and use items of religious significance, including books of religious observance and instruction; and that detainees who do not adhere to any religious belief and who do not wish to practise a religion are not obliged to do so and are not discriminated against (APT and UNHCR, 2014, pp. 154-157).

To sum up, the UNHCR Guidelines and Monitoring Plan place considerable positive obligations on the State, similar to those linked to prisons. However, these instruments are not legally binding on the State but in the category of “soft law”.

### **Non-detained asylum-seekers: the case of Denmark**

Freedom of religion is protected by the Danish Constitution as well as by the international conventions of which Denmark is a party. Denmark has also incorporated the European Convention for Human Rights in Danish law. Danish asylum centres are run either by municipalities or private organisations (at the moment only Danish Red Cross). When private companies/organisations are running the asylum centres, there is, generally speaking, a risk of loss of rights, and the State has a positive obligation to ensure that the religious freedom of the asylum seekers is guaranteed.

The UN Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt, reporting on his Country Visit to Denmark Country in 2016, made the following observation on the conditions of asylum seekers in Denmark:

“According to reports, extremely complicated conflicts have arisen in asylum centres. Having to live in an asylum centre means undergoing enormous stress and frustration, with the risk that tensions arising from whatever reasons — lack of space, language barriers, unclear prospects,

etc. — can easily escalate and possibly intermingle with issues of religious or cultural pride. The Special Rapporteur did not visit any asylum centres during his visit to Denmark, but spoke with people who work with asylum seekers staying in such centres. He was told that those in charge of the centres sometimes follow an excessively cautious approach towards religion as previously described, to the extent that they ban any religious practice in the public areas of the asylum centre. While a certain level of regulation is required to ensure cohabitation in such centres, the complete ban of prayer in collective areas seems an unduly restrictive measure that might amount to a violation of freedom of religion if no alternative space is offered for collective prayer.” (Bielefeldt, 2017, p. 49)

The “cautious approach” that the Special Rapporteur draws attention to refers to the endeavour of most centres to keep religion away from public spaces of the centres, which are envisioned as “religiously neutral”. According to the Rapporteur, then, this approach may lead to possible violations of freedom of religion or belief.

In Denmark, the majority of asylum seekers (with exception of a small number of detainees) can move freely, inside and outside the centre. This would call for but few positive obligations of the State vis-à-vis freedom of religion of asylum seekers. However, the State has positive obligations in cases where individuals, though free, find themselves in situations where in practice they can have difficulties in exercising their rights. In hospitals, for instance the authorities should make sure that patients have access to pastoral care, and, reversely, ensure that patients are not exposed to proselytism while hospitalized (Bielefeldt, Ghanea and Wiener, 2016, p. 524).

The degree to which the State has positive obligations in relation to asylum seekers’ freedom of religion in Denmark depends on whether the asylum seeker has, in practice, the opportunity to exercise and manifest the different aspects of a given religion. These aspects are outlined in the following.

#### *Access to exercise the collective dimension of religion*

As asylum seekers in Denmark are free to move, they can in principle attend religious services outside the centre. In order for asylum seekers to have knowledge about the activities of a religious nature outside the centre, the authorities may be obliged to give free access to information about “religious activities”, for instance religious services, outside the asylum centre.

Geography may be a barrier for actual access to religious services (and pastoral care) outside the centre. In Denmark, there are numerous Christian Churches (primarily Evangelical Lutheran and other protestant denominations), whereas, for instance, Jewish places of worship only exist in Copenhagen. Also for Muslims, the geographical location of a centre may constitute a considerable problem. The question thus arise whether the authorities have the responsibility to provide transportation (or pay transportation expenses) of individuals wishing to attend religious services outside the local area of the centre. Equally, can an asylum seeker legitimately request and be entitled to transfer to a centre closer to a particular faith community?

As to the question of access to religious services and other collective dimensions of freedom of religion within the boundaries of the centre, the guiding principle of most asylum centres in Denmark is that the centre is “religiously neutral” and that collective dimension of religious life must not be practised in the communal areas of the centre. This approach is a barrier for establishing prayer rooms and celebrating religious holidays at the centre.

*Access to pastoral care, holy texts, dietary needs based on religious rules, etc.*

Asylum seekers should have access to pastoral care. This means that in cases where the asylum seeker is in effect prevented from seeking pastoral care outside of the centre, the authorities should allow for – or even facilitate – pastoral care to be brought into the centre. The asylum seekers should also have access to holy texts of their religions, and be able to buy and prepare food in accordance with the rules of their religions.

*The right to convert*

The right to change religion or leave a religion is part of freedom of religion. The asylum seeker has the right to convert and to practise new religion with no harassment and discrimination. The authorities must ensure this.

*Missionary activities*

Proselytism is an integrated part of several of the world religions, and may therefore in principles be performed both by asylum seekers and individuals/communities from outside of the centre. However, proselytism

can prove problematic in asylum centres, and is one of the areas where the State may legitimately limit freedom of religion. This brings us to the next section.

### **Legitimate reasons for limiting the manifestation of religious practices of asylum centres**

One reason for limiting the right to manifest religion inside the asylum centre is to uphold peace and order at the asylum centre, an important aspect of which may be harmony between individuals and groups belonging to different religious groups. Competing considerations can occur in connection with one component of freedom of religion, namely the right to perform missionary activities. Thus the need to prevent religiously founded conflict in the centre may legitimize a general prohibition of missionary activities, of outside religious groups as well as of asylum seekers.

The objective of preventing conflict can also be behind the object of keeping the centre “religiously neutral”. Other considerations may be of a more practical nature, for instance lack of space or resources to allocate specific rooms for religious use. However, the question of keeping common areas “free for religion” is complicated by the fact that the asylum centre serves as the home of the asylum seekers and that a number of religious manifestations, for instance the celebrations of religious holidays often are of a private nature, but require the use of a large room to host larger groups.

### **Conclusion**

Freedom of religion of asylum seekers whilst they are in the asylum process is an area which so far has caught little scholarly attention. There is thus a need for more theoretical studies of the role of the State in the exercise of the freedom of religion of asylum seekers, in particular the positive obligations of the State. This is especially the case in relation with non-detained asylum seekers who are placed in asylum centres, where they can move freely, inside and outside of the centre.

The sparsity of research on freedom of religion in asylum centres is mirrored by lack on binding international standards. Although non-binding UN Guidelines exist as far as religious freedom of detained asylum seekers are concerned, no such international standards are in place for non-detained asylum seekers.

There is thus a need for more research as well as international standards for the different types of asylum centres. A brief sketch of the different aspects of freedom of religion, both the individual and collective dimensions indicate that concrete conditions in given asylum centres (from geographical location to the size of private and common areas of the centre) call for different measures of State facilitation of the religious freedom of the asylum seekers. Thus there may be a need for a combination of general guidelines, based on an assessment of State responsibility at a general level, and concrete and pragmatic solutions in the asylum centres at any given time.

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# Religion, Persecution and Asylum

*Bjørn Møller*

The following is based both on my previous research on refugees, conflicts and religion (Møller 2006; 2007; 2008) and on my practical experience from four years (2013-16) of service on the Danish Refugee Appeals Board (RAB), which assesses (as second and last national instance) all rejected applications for asylum. With around three meetings per month and usually three cases per meeting, this has amounted to more than 400 cases of which probably 20-30 per cent have included a religious element.

## **Empirical and Normative Premises**

Both my work in the RAB and the present article have been guided by two empirical and two normative (i.e. moral or ethical) premises, which are interrelated. The first empirical premise is that persecution on the grounds of religion does occur (Grim & Finke 2010; Kolbe & Henne 2014), which should be combined with the normative premise that whoever has “well-founded fears of persecution” should be granted asylum (as also clearly stipulated in the Refugee Convention). However, this needs to be qualified by a second normative premise, i.e. that neither Denmark nor any other country has an obligation to accept anybody who may want to become a resident or citizen. This brings into play the second empirical premise, i.e. that it may be perfectly rational to pretend to be persecuted for religious or other reasons even when this is not the case. The conclusion must then be that it is imperative to ascertain the veracity of the religiously-based asylum claim by the applicant, which should be tempered by the precautionary qualification that the applicant is entitled to “the benefit of the doubt.” It is obviously preferable to grant one asylum too many (which is mainly an economic problem) than one too few, which may be a matter of life or death.

There are indeed obvious examples of religious persecution such as that by Buddhists against Muslims in Myanmar, or that by Islamists



against Christians, Jews and especially apostates in various Muslim-majority countries. A complicating factor is that the religious identity often overlaps with ethnic ones, as is the case of the (Muslim) Rohingya in the Rakhine State of Myanmar (UNSCIRF 2016; Kyaw 2016; Schissler 2016), just as the Nazi genocide of the Jews affected both religious Jews and non-religious members of what Nazi ideologues regarded as “the Jewish race” (Marcus 2015, 56-84; Arendt 1968, 1-120; Friedländer 1997, 73-112; Patterson 2010, 15-44, Bauman 2000, 31-82). This does not represent a serious legal problem, as the 1951 Refugee Convention refers to persecution on the basis of “race, religion, nationality, membership of a particular social group or political opinion” (art. 1) implying that whoever is persecuted for religious or “racial” reasons (or qua belonging to a special social group) meets the criteria of a refugee—with the accompanying right to protection, i.e. asylum (UNHCR 2011).

There is, however, a “threshold problem,” as “persecution” implies something more than mere discrimination, usually interpreted as a threat to life or a risk of being subjected to torture or degrading treatment (Maley 2016, 20-24; Goodwin-Gill 2014, 39-40; Jones 2008, 17-18; Bassiouni 1999, 326-330; Price 2009, 103-163). The closest we get to an authoritative definition may be that found in the Rome Statute of the ICC (International Criminal Court) which defines it as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity” (ICC 2011, art. 7.2.g) but this still begs the question of the required severity of this deprivation. While, for instance, Christians, Jews and Zoroastrians are discriminated against in several Muslim countries—as are Muslims in some Christian countries (Akbaba & Fox 2011)—this probably does not constitute persecution, whereas apostasy (i.e. renouncing the “right” religion, i.e. Islam, in favour of another) is being persecuted very severely (Rahman 2006; Cook 2006; Peters & De Vries 1976), for instance in Iran (Nayyeri 2012).

The second empirical premise is based on the recognition that even persons who are not really persecuted (for religious or other reasons) will only be able to exchange their often miserable life in a poor country of origin with a much preferable life in Denmark or other countries in the global North, if they are granted asylum. It will thus be entirely rational to claim to be persecuted (for religious or other reasons). It may even make sense to produce a genuine persecution risk *sur place*, i.e. whilst staying

in Denmark. This can be done by converting from Islam to Christianity, thus deliberately choosing to become an apostate who will *ipso facto* be persecuted if returned to, for instance, Iran. Even if an applicant has had his or her initial application (claiming a persecution risk) rejected, it is thus possible to create a new one, thus making *refoulement* to the country of origin impermissible. We shall return to this in due course.

The first normative premise is quite straight-forward and consensual, as it simply repeats the definition of a refugee as laid down in the 1951 Convention and the 1967 Protocol, which simply removed the temporal and geographical limitations of the 1951 convention (Davies 2008).<sup>1</sup> The definition is also included as §7.1 in the Danish Alien Law which forms the main basis for the granting or refusal of asylum, both in the Danish Immigration Service (DIS) and in the RAB, to which all rejections are automatically appealed. Even though the RAB is the final national instance, some cases (i.e. rejections by the RAB) are also appealed to the European Court of Human Rights (ECtHR)—a subsidiary body under the auspices of the Council of Europe, which also makes its decisions on the basis of the European Convention on Human Rights (ECHR). Case law from the ECtHR is also taken into account, at least as far as the RAB is concerned. Perhaps surprisingly, the rulings of the Court of Justice of the European Union seem to play no role at all in the Danish status determination procedure, even though it does so in a non-EU member state such as Norway (Bank 2015; see also the article by Helge Aarsheim in this publication).

The second normative premise has both a legal and a moral side. With the exception of the refugee convention's *non-refoulement* clauses, all the world's states are legally entitled to decide how many immigrants to accept and to be selective, by whatever criteria, in their decisions (Hollifield 2008). Even though intellectually fairly impressive ethical arguments can be, and have been, made for completely open borders (Carens 2013, 225-254; Hayter 2004), it strains the imagination to envisage this being implemented in the foreseeable future. In the real world of politics, the "nightmare scenario" of a tidal wave of immigrants and "bogus refugees" has played an important role in making it more difficult to apply for

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1 A few countries, including the United States, have ratified the Protocol, but not the Convention. See Frank 1977.

asylum in all countries in the global North (Carr 2016; Mountz 2010). This has prevented many *bona fide* refugees from receiving the protection to which they are legally entitled—in addition to which it has shifted the “burden” of hosting refugees to neighbouring countries in the global South. Hence, the lesser evil seems to be to stick with the Convention/Protocol criteria. Respectable economists such as Paul Collier have also strongly warned against accepting too many as this might deplete the “resource pool” in the countries of origin (Collier 2013; Betts & Collier 2017).

### **Victims of Religious Persecution?**

Considering that the doors to Europe and the rest of the global North are closed to prospective (non-refugee) immigrants, it may be a perfectly rational strategy to apply for asylum with reference to persecution on religious or other grounds – and some such persecution claims are obviously warranted as the person has been religiously persecuted. Examples may be Iraqi asylum seekers, who may well have been, for instance, Sunni Muslims persecuted by the Shi’ite-dominated government or the Shi’ite majority of the population (Sassoon 2011) – and some Syrian asylum seekers may be Alawites (usually regarded as a heterodox branch of Shi’ism) who certainly had well-founded fears of persecution by the Islamic State as long as it had territorial control over parts of their home country (Cockburn 2015; Stern & Berger 2015; McCants 2015; Napoleoni 2014; Kilcullen 2016). In these cases the main problem tends to be that of verifying the identity of the applicant, as the background material provides ample evidence for widespread persecution on the grounds mentioned. The same is the case of the aforementioned Rohingya from Myanmar, who are undoubtedly victims of severe (religious as well as ethnic) persecution. However, a large number (perhaps even most) of the applicants claiming to come from Myanmar may well be from Bangladesh, which has hosted Rohingya for decades and where they have close ethnic kin—and where there is allegedly a veritable industry in forged documents for “bogus Rohingya.” As a consequence, documents are usually assumed to be forged and language tests of very dubious quality (as it is a matter of dialects of the same language) are used instead to determine identity.

In both cases, decisions are taken on the basis of “background infor-

mation,” either produced by international organisations such as the UN OCHA (United Nations Office for the Coordination of Humanitarian Affairs) or UNHCR (Office of the United Nations High Commissioner for Refugees), NGOs (Non-Governmental Organisations) such as Amnesty International (AI), Human Rights Watch (HRW) or the International Crisis Group (ICG)—all of which are usually of decent-to-good quality. The same cannot be said of all those produced by immigration services, which are often written with the obvious purpose of providing justification for *refoulement* of unwelcome asylum seekers. One of the most scandalous examples of this was the DIS report on Eritrea from 2014, which is no longer being used as background by the Danish institutions, but which has apparently been used by their counterparts in other countries. As the (until the end of 2016) five members at each meeting of the RAB (civil servants from the ministries of Foreign Affairs and Justice, a judge, a member appointed by the Bar Association and one appointed by the Danish Refugee Council) for obvious reasons cannot be experts on the countries of origin of all applicants (often from three different countries at the same meeting) they are critically dependent on the background material provided—a clear case of Foucauldian “Power/Knowledge,” where a text becomes authoritative, thus supporting those in power (Gordon 1980).<sup>2</sup>

There are also less obvious cases, for instance relating to asylum seekers from countries where there is some, but not widespread, official religious persecution, or where the “agents of persecution” are not the state, but societal groups and militias such as the Nigerian Boko Haram (De Montclos 2014; David & al. 2015;) or the Al-Shabaab in Somalia (Hansen 2013). What matters in such cases is to assess the credibility of the “persecution narrative,” as is always done—and for which there are no strictly objective or infallible methodologies. Some narratives may be rejected as inconsistent; others as extremely unlikely—e.g. a young Somali woman going into a photo shop asking a staff person (the asylum seeker) to take her picture in the nude with a view to putting this online. A few are simply impossible, e.g. travelling by train all the way from The Gambia to Denmark.

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<sup>2</sup> In the interest of transparency, all these background materials are sent to the lawyer of the applicant in advance of the meetings, and they are available online at [www.fln.dk/da/Baggrundsmateriale.aspx](http://www.fln.dk/da/Baggrundsmateriale.aspx).

What matters is to ascertain whether there are “well-founded fears” of persecution, which includes both a subjective and an objective element. If, for instance, an asylum seeker claims to fear for his or her life, but waits for a month before fleeing in order to get a cheaper airfare, this raises doubts about the subjective fear—and if the alleged fear seems completely unfounded in personal experiences this also militates against granting asylum. Even though paranoid persons may be persecuted, paranoia as such is not a legitimate ground for asylum. The process is far from fool-proof or “objective,” and quite a lot depends on the interpreters (Inghilleri 2005), but it seems to be a “decent” procedure, which at least allows the applicant to tell his or her story as best they can. In the around 400 cases I have attended, not once have I experienced an applicant being shut up or cut short.

Not only may religion thus be a factor in the persecution from which people may be fleeing; it may also be instrumentalised as an element of coping in new and troubling circumstances (Schader 2013; Mavelli & Wilson, eds. 2017). This may result in a simple “quantitative” growth of religiosity on the (alleged) refugee, who may pray or go to church or to the mosque more frequently than he used to do in his homeland—but it may also make him or her an easy catch for “soul-fishers” in the country of temporary sojourn (e.g. Denmark) who may seek to persuade the asylum seeker to convert.

### **Conversion as *Sur Place* Ground for Asylum?**

Even if (or perhaps especially when) the original grounds for asylum have been dismissed (rightly or wrongly) all is not necessarily lost for the asylum seeker, as it may also be possible to create a *sur place* motive by changing religion, i.e. converting, in Denmark typically from Islam to Christianity.

One might think that a country such as Denmark, with a constitution referring to the Evangelical-Lutheran church as the “peoples church” which is supported by the State (*Danmarks Riges Grundlov*, 1953, §4), would welcome converts from other religions—or at the very least accept them in conformity with the 1948 Universal Declaration of Human Rights (§18) and the ECHR (§9) and the Danish Constitution, §§66–70) which not only stipulate the right to hold any religious faith, but also to switch religious allegiance (Gas-Aixendri 2015).

From a strictly theological view it may also seem strange to question the sincerity of conversion, considering that some of the founders of Christianity were converts from other faiths, e.g. St. Paul from Judaism to Christianity (Stein 1996) or St. Augustine from Manicheanism (which might or might not be a heterodox version of Christianity) to Catholicism (O'Donnell 1992). Indeed, there are obvious similarities between the life history of St. Paul and that of present boat refugees, as the apostle claims that,

I have been shipwrecked three times, I have spent a night and a day as a castaway at sea. What journeys I have undertaken, in danger from rivers, in danger from robbers, in danger from my own people, in danger from the Gentiles; danger in cities; danger in the wilderness, danger in the sea, danger among false brethren! I have met with toil and weariness, so often been sleepless, hungry and thirsty; so often denied myself food, gone cold and naked.” (II *Corinthians*, 11:25-27)

Moreover, all Christian denominations agree on the imperative of converting the heathen to Christianity, i.e. of proselytising as commanded by Christ himself (*Matthew* 28:19-20, *Mark* 16:15-18), also known as “The Great Commission” (Rainer & Lawless 2005. See also *Luke* 24:44-49, *John* 20:19-23 and *Acts* 1:4-8). Incidentally, this religious obligation to proselytise came to be interpreted by the RAB as ruling out what had previously served as a (rather poor) excuse to reject asylum to otherwise trustworthy converted asylum seekers, i.e. that they could escape persecution by keeping their new faith secret.

The attractions of conversion from a rational choice perspective are not quite as clear as often assumed, e.g. by sociologists of religion belonging to the “religious marketplace school” (Hamilton 1999, 215-228; Finke & Stark 1988; 1998; Iannaccone & al. 1995; Perl & Olson 2000; Percy 2000; Bruce 1993; Phillips 1998),<sup>3</sup> also as far as conversion is concerned (Sherkat & Wilson 1995). Even though the French Seventeenth-Century philosopher Blaise Pascal in his famous “wager” (*le pari*) presented the choice to believe in (a) God as entailing no risks whilst promising

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3 For an application to the Muslim world see Driessen 2014.

significant benefits,<sup>4</sup> this is not necessarily correct. As argued by the cartoon character Homer Simpson, “What if we pick the wrong religion? Every week we’ll just make God madder and madder.”<sup>5</sup> The same may be the case in real life—or this is at least what a sincere believer must take into account. This will surely make posthumous divine retribution weigh heavily against conversion, if only because the penalties are supposed to last forever.<sup>6</sup> According to the Sura 81 of the *Qur’an*, the punishment will be severe:

And by troops shall the unbelievers be driven towards Hell, until when they reach it, its gates shall be opened, and its keepers shall say to them, “Come not apostles from among yourselves to you, reciting to you the signs of your Lord, and warning you of the meeting with Him on this your day?” They shall say “Yes.” But just is the sentence of punishment on the unbelievers. It shall be said to them, “Enter ye the gates of Hell, therein to dwell for ever,” and wretched the abode of the arrogant (*Sura LXXXI*).<sup>7</sup>

To count on the “Simpsonian” fall-back strategy of recanting on one’s death-bed would be quite risky, but if one has no, or a very weak and agnostic, faith, however, it may make perfect sense to claim conversion in order to obtain asylum. The UNHCR acknowledged this problem in its Guidelines, which are not legally binding, but nevertheless taken quite seriously by at least most Western states:

Where individuals convert after their departure from the country of origin, this may have the effect of creating a *sur place* claim. In such situations, particular credibility concerns tend to arise and a rigorous and in depth examination of the circumstances and genuineness of the conversion will be necessary (...).

So-called “self-serving” activities do not create a well-founded fear of persecution on a Convention ground in the claimant’s country of origin, if the

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4 Pascal 1966, 25: “Peson le gain et la perte, en prenant croix que Dieu est. Estimons ces deux cas: si vous gagnez, vous gagnez tous: si vous perdez, vous ne perdez rien. Gagez donc qu’il est, sans hesiter.” See also James 1912, 1-31; Jordan 2007.

5 *The Simpsons*, Season 4, Episode 3 (1992) “Homer the Heretic.”

6 On the Islamic doctrines of Hell see Sidiqui 2014; Afsaruddin 2014; Lange 2015.

7 Sura LXXXI: “The Troops,” quoted from the translation by J.M. Rodwell of *The Koran* (New York: Random House, 1993), 299.

opportunistic nature of such activities will be apparent to all, including the authorities there, and serious adverse consequences would not result if the person were returned. Under all circumstances, however, consideration must be given as to the consequences of return to the country of origin and any potential harm that might justify refugee status or a complementary form of protection. In the event that the claim is found to be self-serving but the claimant nonetheless has a well-founded fear of persecution on return, international protection is required. (UNHCR 2004, articles 34 and 36.).

Some scepticism is thus understandable, even though it may be taken too far (Granhag & al. 2005). There are at least three ways to ascertain whether such a conversion is sincere or simply opportunistic. The first one is to dismiss the question on formal grounds, maintaining that one becomes a Christian through baptism, regardless of one's sincerity and state of mind. While there may be some theological foundation for such a claim, both in Catholicism and Protestantism (Spinks 2006), this approach has not been adopted by most immigration agencies, nor should it probably be so as it would make a mockery of the entire status determination process and violate the above Guidelines. Indeed, the alleged converts might simply apply the same stratagem as Galileo Galilei (1564-1642) who formally renounced his heliocentric cosmology in order to escape the verdict for heresy, but who then (allegedly) whispered the famous *Eppur si muove* ("And yet it moves") referring to the Earth's orbiting the Sun (Næss 2005, 177). A "fake covert" might substitute this phrase with an *Allahu Akbar*.

Secondly, it is possible to test the applicant's knowledge of Christianity as a proxy for his or her sincerity, which was standard practice when I joined the RAB. Two considerations speak against this approach, however. If the questions are too easy, it becomes too easy to simply read up on "Christianity" and/or "Lutheranism" on *Wikipedia* and memorise the basics. If they are too difficult it would be tantamount to demanding more from (often poorly educated and sometimes illiterate) asylum seekers than from ordinary Danish members of the Lutheran church—many of whom would surely have hard time explaining dogma such as the Trinity (implying that God is both one and three) and the "resurrection of the flesh" (Bynum 1990). Indeed, this might also be the case of many members of the RAB, most of who hold degrees in Law rather than Theology.



Thirdly, it is possible to adopt a “narrative approach” to determine whether the conversion is sincere or simply a case of “spurious religiosity” (Salzman 1966). This presupposes a more holistic view of religion, as illustrated in the quadrangle below which is inspired by, but slightly different from, that of Emile Durkheim (2001).<sup>8</sup>

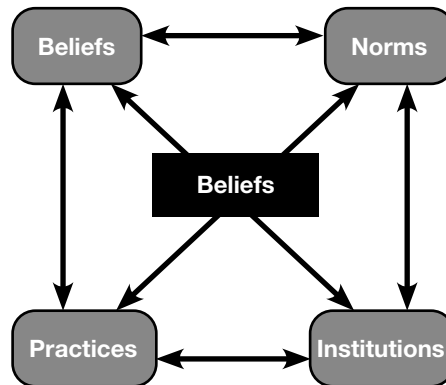


Fig. 1: *Elements of Religion*

Not only do all religions contain beliefs in “something supranatural” or “an invisible world” (Ellis & Ter Haar 1998; 2004). They also feature norms, practices and institutions, and it is entirely possible that members or followers may mainly be attracted to the religion in question by virtue of its behavioural norms, ritual practices or institutions, whilst remaining rather ignorant (or even sceptical) about at least parts of its religious dogmatics.

Among the beliefs, one may distinguish between epistemological and ontological ones, which are often curiously intertwined. First, there is the ontological belief that there is a God who is transcendent, yet not quite so much as to abstain completely from any relationship with his creation, including humankind. Hence, God is believed to have revealed himself (at least partially) to man, via revelations to prophets, or even, as in Christianity, to have become human himself. Such beliefs provide the premise

<sup>8</sup> Durkheim first tentatively defined religion as comprising “beliefs and rites” (2001, 36) and then added the institutional manifestation, somewhat unfortunately labelled “church” (*ibid.*, 46). What I have done is basically to disaggregate “beliefs” into ontological and normative tenets.

for the accompanying epistemology according to which His revelations are true, including those on which the certainty about His existence are based. Notwithstanding the obvious circularity of this argument—if so it is (Griffiths 1999)—this is what is held to be true and unquestionable by the believers. There is, however, disagreement in all religions about the permissible scope for interpretation of what has been revealed—in Islam, for instance, manifested in the debate about whether the “gates of *ijtihad*” [independent reasoning] have been closed after the death of the Prophet and the four rightly-guided *Khalifs*, or whether they remain open to the present day (Armstrong 1993, 297 & *passim*; Hallaq 1984; 1986; Weiss 1978; Ali-Karamali & Dunne 1994; Kamali 1996 Bennett 2005, 107–128).

From such revelations, norms may also be derived, either very general and abstract ones such as the admonition to love one’s neighbour (*Leviticus*, 19:18) or the “golden rule” to “do to others what you would have them do to you,” best known from the New Testament (*Matthew* 7.12), but with counterparts in most other religions—or very specific and concrete ones such as dietary prescriptions (Douglas 1999), rules about performing various acts (e.g. prayer or pilgrimage) under specific circumstances, and even (*mirabile dictu*) rules about states of mind such as the prohibition against envying the possessions of one’s neighbour found in the Old Testament (*Exodus* 20). Even though the real (e.g. social) origins of such prescriptions and prohibitions may be non-religious, the very fact that they are integrated into a religious belief system usually lends them a more binding character, also thanks to the aforementioned ontological beliefs which may entail the prospects of divine retribution for violations and rewards for compliance.

All religions also involve various practices such as rites (Friday prayers, celebration of Christmas and the like) which one could well imagine may provide some much needed stability in the lives of people as uprooted as asylum seekers. Finally, there are institutions, the largest and most powerful of which is surely the Catholic church. What matters most for prospective converts, however, is probably the local community of a congregation (Massey & Higgins 2011, 1382–1384). This is where the aforementioned “soul fishers” in local and often very small congregations may have something to offer—especially if they concentrate on one nationality of asylum seekers and enlist the services of an interpreter.

In such cases the congregation may serve as a “surrogate family” for the lonely asylum seeker (Cao 2005), and they can certainly help in familiarising the would-be convert with tenets and mores of the new religion (Galonnier & De los Rios 2016)—if they take the task seriously, which most (but not all) congregations and pastors seem to do (Stene 2016).

According to the narrative approach, what matters is to assess the sincerity of the conversion, psychologically, taking elements of sociology of religion into account. Even though it may be argued that religious belief as such does not require evidence (Clark & VanArragon 2011), the assessment on whether somebody believes in something must be based on evidence. The conversion narrative may, for instance, involve some of the “varieties of religious experience” described and analysed by the founder of the discipline of Psychology of Religion, William James (1917, especially chapters IX–X on Conversion, 186–253; idem 1912; Richards 2011, 32–37; Belzen 2012). However, it varies how much “religious content” there is in the various narratives (Jindra 2011) and in some cases the psychological effects weigh much heavier. “Peace of mind” may be much more important, which does not necessarily invalidate the conversion (Hill 1955; Rambo & Bauman 2012; Laurencelle & al. 2002).

The assessment of the above factors is inevitably subjective, even though certain objective factors may be taken into account. Timing matters, for instance, as an interest in Christianity beginning immediately after the receipt of a rejection of the original asylum application, will be deemed much less sincere by authorities than one beginning in the homeland, even if the latter is only “consummated” in the form of a baptism after arrival in Denmark. It also adds to the credibility if the convert/applicant has been engaged in religious activities such as “Bible camps” rather than simply being baptised without further ado.

There is, however, one final factor to take into account. In the final analysis what matters is not whether the DIS or RAB believes in the conversion as such, but whether the authorities or other potential agents of persecution in the homeland do so. It is indeed possible to make this so likely—e.g. by making sure to appear in the media with name and picture so that, for instance, the staff at, say, the Iranian embassy are likely to notice. It is thus possible to “check-mate” the authorities, as the chairman of one of the meetings in the RAB formulated it. The only consolation in

such cases is that it is always better to grant one asylum too many than the opposite.

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# Sincere and reflected? Localizing the model convert in religion-based asylum claims in Norway and Canada

Helge Aarsheim

## International Human Rights Law and Religion-Based Asylum Claims

The need for international protection on the basis of religious identity or allegiance that may generate a risk of persecution is one of the defining features of the modern refugee system. Included as one of the key aspects of the refugee crisis following the Second World War to which the 1951 Refugee Convention was a direct response, religious persecution also lies at the very centre of the present refugee crisis. Nevertheless, despite the long and sustained interrelationship between religious identity and allegiance and situations of mass flight, the relationship between the international protection offered for refugees in article 1A(2) of the Refugee Convention and international human rights law (IHRL) is not settled.

It remains undisputed that the “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” must be understood in relation to provisions granting human rights using similar or identical terms in the International Covenant on Civil and Political Rights (ICCPR) and other international treaties. However, despite the systemic integration and normative consistency to which the international refugee system aspires, the exact interrelationship between the violation of human rights and the notion of “persecution” remains subject to widely different interpretations, both at the international and the domestic level. It is trite law that not just any human rights violation represents “persecution”, and that conditions leading to “serious harm” due to the breakdown, incapacity or unwillingness of states to offer the protections secured by the instruments of IHRL represents a more apt characterization of persecution (Hathaway and Foster 2014: 185).

In the case of religion-based asylum claims, the interrelationship between “persecution” and the protections offered by IHRL is further complicated by the existence of a patchwork of overlapping standards

that offer different forms of protection for different forms of “religion” within the IHRL framework. The right to freedom of religion or belief, enshrined in article 18 of the Universal Declaration of Human Rights (UDHR) and the ICCPR, is clearly the most substantial and well-known among these rights. Additionally the ICCPR prohibits the advocacy of “religious hatred” in article 20, secures the right to non-discrimination on the basis of religion before the courts in article 26, and grants the rights of minorities to “profess and practise their own religion” in article 27. In the Convention on the Rights of the Child (CRC), article 14 secures the right of children to freedom of “thought, conscience and religion”, while article 20 obliges states to pay due regard to the child’s religious background in the provision of alternative care, and article 30 secures the rights of children belonging to minorities to profess and practice their religion. Moreover, the International Convention on the Elimination of Racial Discrimination (CERD) article 5 (d) (vii) prohibits racial discrimination in the enjoyment of the freedom of religion or belief. Article 2 in all these instruments also secures the right to non-discrimination on the basis of religion in the enjoyment of the other rights in their respective instruments.<sup>1</sup>

The coexistence of these provisions, all of which overlap with the notion of “religion” in the Refugee Convention, create several definitional challenges when religion-based asylum claims arise in the refugee status determination procedure, not least relating to the object under determination, as none of the instruments of IHRL or the bodies set to monitor their implementation provide any interpretational guidance on the definition of “religion”. Recognizing these overlaps, and the multiple definitional challenges they raise, the office of the UN High Commissioner for Refugees (UNHCR) has issued a set of guidelines on religion-based asylum claims to guide decision-makers in the interpretation of the Refugee Convention *qua* other instruments providing religion-based pro-

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1 While numerous other international instruments also regulate religion, these have less direct bearing on the interpretation of the Refugee Convention, partly due to their weaker status as legal obligations, and partly due to their low number of ratification. See in particular The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981), The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) and The United Nations Declaration on the Rights of Indigenous Peoples (2007).

tections.<sup>2</sup> The guidelines observe that “No universally accepted definition of “religion” exists, but the instruments [of IHRL] certainly inform the interpretation of the term “religion” in the international refugee law context” (*Guidelines*, para. 4).

Departing from these instruments, however, the guidelines go on to offer a tripartite definition of religion that encompasses belief (including non-belief), identity and way of life (*Guidelines* para. 5), which clearly diverge from the already imprecise religion-based provisions of IHRL, a point also noted by Karen Musalo (Musalo 2004: 201,n203). Importantly, the guidelines stress that “religious belief, identity or way of life may be seen as so fundamental to human identity that one should not be compelled to hide, change or renounce this in order to avoid persecution” (*Guidelines* para. 13). The guidelines consequently suggest the equal importance of belief, identity and way of life to human identity, and, *inter alia*, to the protections offered by the Refugee Convention.

Because the key identifier of asylum claims is the likelihood that claimants will be “persecuted for reasons of”, the refugee status determination procedure has generally been open to a flexible interpretation of the terms “race, religion, nationality, membership of a particular social group or political opinion” and their internal relationship, while spending more time on the nature and severity of persecution than the precise delineation between different causes. A claimant convincingly alleging a risk of persecution on the basis of ethnic origin *and* religious beliefs will not have to substantiate the clear-cut delineation of either, nor will a political dissident who is also at risk on the basis of membership in a particular social group need to distinguish between these categories.

Whenever claims are lodged on the basis of one singular item among these grounds, however, the procedure becomes more complex, as decision makers are forced to provide working definitions of the terms in question. In the sparse international case law of major refugee-receiving countries where the question of persecution based on religion has arisen in somewhat isolation, the predominant approach to “religion” in the refugee status determination procedure has been to rely on the freedom of religion or belief under article 18 of the ICCPR. That is, the absolute

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2 United Nations High Commissioner for Refugees. *Guidelines on International Protection. Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees* (HCR/GIP/04/06), 28 April 2004.

protection of beliefs, including non-belief (the *forum internum*) and the more specific protection of a range of external expressions, or “manifestations” of belief (the *forum externum*) (Hathaway and Foster 2014: 262).

To explore more closely how the interrelationship between “religion” in IHRL and refugee law plays out in domestic refugee status determination (RSD) procedures, I will spend the remainder of this paper mapping how Norwegian and Canadian authorities have dealt with the definitional challenges raised by religion-related claims. Looking at cases that have been appealed to the regular court system, I examine how these courts have dealt with the definitional challenges presented by religious conversion, from the truthfulness of the narratives of converts and to their assessments of the “facts on the ground”.

Norway and Canada make for a particularly apt comparison for a number of reasons. While both countries participate strongly in international human rights work and are among the top financial contributors to the UNHCR, the social, legal and political role of religion and the cultural conception of migration in the two countries are dramatically different, providing very different backdrops against which RSD takes place.

### Case Law in Norway and Canada<sup>3</sup>

Despite systemic and historical differences between the legal systems of Norway and Canada, their RSD procedures have been developed along largely similar lines. Both countries have adopted separate domestic legislation to give effect to the 1951 Refugee Convention, and both have updated their legislation on this topic since the turn of the millennium in order to adapt to changes in refugee arrival patterns.<sup>4</sup> Both countries are among the top financial contributors to the UNHCR, are members of its Executive Committee, and grant the agency a supervisory role in their asylum procedures. While the legal system of Norway is a mixture

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3 The case law reviewed for this working paper covers 70 religion-based asylum claims assessed by the Canadian Federal Court and the Norwegian Court of Appeals from 2010 to 2015. The cases have been retrieved from the Canadian Legal Information Institute database (<https://www.canlii.org/en/>) and the Norwegian Lovdata database (<https://lovdata.no/>). Due to the limited scope of this working paper, the cases can only be cursorily summarized. A larger article reviewing the cases in greater detail will be submitted to the *International Journal of Refugee Law* in fall 2017.

4 The Canadian *Immigration and Refugee Protection Act* (S.C. 2001, c. 27) was adopted in 2001 and thoroughly revised in 2012. The Norwegian *Act on the entry of foreign nationals into the Kingdom of Norway and their stay in the realm* [Immigration Act] was adopted in 2008.

of civil and common law, Canadian law is based on the English common law tradition, but with a separate civil law system in place for the French-speaking Quebec region. Although Canada has a federal system where states have some autonomy, this has no substantial impact on the asylum assessment procedure, which is under federal jurisdiction.

Despite these overarching similarities, the RSD procedures overseen by Norway and Canada have developed distinctly different approaches to the threshold for persecution “for reasons of” religion in cases of alleged religious conversion. These differences range from (a) the proper means by which to assess the veracity of religious conversion, to (b) the establishment of the level of risk upon return to the home country, and (c) the sources of information needed to determine the latter.

### *The veracity of religious conversion*

There are no official statistics on the basis of asylum claims in Norway and Canada, but even a cursory reading of the relevant case law indicates that the clear majority of cases where “religion” becomes the key feature for consideration are cases relating to religious conversion, and, in particular, conversions entered into after departure from the country of origin.<sup>5</sup> While these cases are likely to constitute a very small proportion of the case load of the RSD procedures, their complexity and connections to dominant narratives on religious persecution have propelled them to the forefront of political attention. Local churches and activists have formed action committees, witnessed before tribunals and courts and submitted letters of support to claimants under review, sometimes to the point where they have decisively influenced the outcome of the procedures.<sup>6</sup>

Assessing the credibility of conversion narratives, the Canadian jurisprudence in the area has largely relied on the “sincerity test” developed by the Supreme Court of Canada (SCC) in the religious freedom case *Northcrest Syndicate v. Amselem* [2004, 2 S.C.R. 551]. In the decision, the SCC reviewed the constitutionality of a by-law prohibiting excessive religious displays on the balconies of an apartment building, after Ortho-

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5 This basic finding can be verified by keyword searches in the relevant databases of decisions, and is also backed up by informal counts provided by The Norwegian Immigration Appeals Board.

6 The Norwegian decision in LB-2013-6873 attests to this influence, as the court considered the testimonies of witnesses supporting the claimants’ conversion to be “decisive” to their verdict to grant asylum.



dox Jewish residents in Montreal started erecting succahs, or small huts, on their balconies in preparation for the Jewish holiday Succot. The court decided that the veracity, accuracy or orthodoxy of the religious claims inspiring the creation of such displays could not be approached by the court, necessitating the introduction of some other, more “neutral” test that would be acceptable to believers and non-believers from a variety of different persuasions alike.

In its reasoning, the court found in favor of the claimants, not because their beliefs that displaying a *succah* was in line with “correct” or authoritative Orthodox prescriptions for believers, but because of the perceived sincerity of their own, personal beliefs that such a structure was necessary. Through this “turn to subjectivity”, the Supreme Court sought to incorporate a “lived religion” approach to the freedom of religion or belief that was sensitive to the ways people actually believed in and practiced their religion (Beaman 2012: 277). Importing this criterion, the Canadian refugee status determination procedure has effectively implemented the recommendation by the UNHCR in the 2004 *Guidelines*, where it recommended “open-ended questions allowing the claimant to explain the personal significance of the religion to him or her” (*Guidelines*, para. 29)

Unlike the Canadian setting, where the discussion of the judicial interpretation of the religious freedom provisions of the Canadian Charter of Rights and Freedoms (1982) has been vocal and extensive, there is no comparable relevant Norwegian jurisprudence relating specifically to religious freedom. In the Norwegian public sphere, debate, policymaking and jurisprudence on religion has been dominated by discussions relating to the potentially discriminatory effects of the special status of the recently (2012) disestablished Church of Norway,<sup>7</sup> and the extent to which the dress and practices of religious minorities should be accommodated or prohibited, ranging from the wearing of the Islamic veil as a part of police uniforms, to the circumcision of baby boys, both of which have been highly contentious topics recently. Another important factor for the

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7 The nature and scope of this disestablishment is further complicated by the official English translation of the amended article 16 of the Constitution. Whereas the Norwegian version pronounces that the Church of Norway will remain the “folkekirke”, lit. the people’s church, church of the people or folk church, the English language version pronounces that the Church of Norway “will remain the Established Church of Norway”. The article has been thoroughly criticized for its ambiguity and potential for discrimination towards religious minorities. See Stortinget. *The Constitution*. <https://www.stortinget.no/globalassets/pdf/english/constitutionenglish.pdf>, retrieved 04.04.2017.

lacking jurisprudence on religious freedom in the Norwegian setting is the lack of specific and substantive provisions on the matter, which were not firmly established until 1999, when the *Human Rights Act* incorporated the provisions of the European Convention on Human Rights (1950), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) wholesale.<sup>8</sup>

In lieu of higher court decisions on religious freedom, the Norwegian refugee status determination procedure on religion-based claims has been developed by the lower courts, which have tended to be highly deferential to the decisions of the Immigration Board of Appeals (UNE). As the highest-ranking administrative entity in charge of refugee status determination, the Board has been granted considerable authority by the first-instance district court and the second-instance court of appeal, particularly in the question of credibility and the assessment of country of origin information, where the courts have been reluctant to override the specialized authority of the Board's findings.

Consequently, the authoritative interpretation of religion-based claims in the Norwegian RDS procedure is contained in the *Practice Note* issued by the Board, summarizing its interpretation of the "religion" ground in the Refugee Convention in general, and in relation to the question of conversion in particular.<sup>9</sup> The *Note* emphasizes the "reflection" of claimants as the key criterion in the assessment of claims of religious conversion. While this terminology suggests a certain level of similarity to the "sincerity" criterion applied in Canadian jurisprudence, "reflection" is far more specific. More specifically, encouraging decision-makers to elicit both the sincerity of claimants and their ability to explain the rationale behind their decisions to convert, ranging from the assessment of any disgruntlements with their former lives to a specific explanation of what exactly drew them to their new religion, and why. Like the Canadian sincerity test, these items resonate with the UNHCR *Guidelines*, which recommend a "rigorous and in depth examination of the circumstances

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8 In later amendments to the law, the Convention on the Rights of the Child (1989) and the Convention on the Elimination of All Forms of Discrimination against Women (1979) have also been incorporated in the.

9 Immigration Board of Appeals. *Praksisnotater – 28.01.2016 Praksisnotat – Forfølgelse på grunnlag av religion*. <http://une.no/Global/Praksisnotat%20om%20religion%202016.pdf>, retrieved 04.04.2017.

and genuineness of the conversion”, including “the nature of and connection between any religious convictions held in the country of origin and those now held, any disaffection with the religion held in the country of origin” (*Guidelines*, para. 34).

Hence, whereas the Canadian approach to “religion” in the RDS procedure is informed by the more general conception of “religion” in Canadian law – and through *Amselem* to the specific question of religious freedom – the Norwegian approach has been developed in splendid isolation from the erstwhile concept of “religion” in Norwegian law by UNE, as the chief administrative entity set to develop best practices in the RDS procedure.

### *The level of risk upon return*

The differences between Canadian and Norwegian refugee status determination procedures become more pronounced in their assessment of the level of risk upon return. While both courts have been dismissive of the earlier widespread recommendation to claimants that they should resort to “discretion” upon return in order to avoid persecution, the Norwegian court has consistently accepted the suggestion by UNE that claimants can adapt to the “socio-cultural conditions” of their home countries.

Following a high-profile Supreme Court decision in 2012 (Rt-2012-494) that found the discretion criterion to be unlawful in the case of gay claimants, the court has increasingly avoided terminology that hints at the concealment or limitation of claimants upon return, opting instead for an examination of their “mode of religiosity”, that forecasts their expected level of religious practices upon return. In this assessment, the personal traits of claimants, particularly their likelihood of becoming leaders or missionaries, have become decisive to the court. One example of this approach is a case from 2014 regarding an Iranian claimant, where the court summarized its approach in the following manner:

Assessing how the claimant will live as a Christian in Iran, the Court relies on an account of how he has lived as a Christian in Norway. Pastor Per Ove Berg in the Credo church has described the claimant as a Christian with a steadfast faith, who has regularly attended services and other functions and gatherings hosted by his church. The claimant has on some occasions invited people he knows to be ‘open’. The Court finds, however, that these activities do not mean that the claimant upon his return to Iran

will actively proselytize or behave in a way that might gain the attention of the authorities. While the Court finds no reason to doubt that the claimant will keep his convictions, and it is likely that he will seek out and try to relate to a house church, there is no evidence that the claimant upon his return will become a leader in such an environment. (LB-2014-50021, author's translation)

Wary of the largely rhetorical distinction between this type of assessment and the former practice of recommending the “discretion” of claimants, the UNE *Practice Note* on religion-based asylum claims stresses that this approach does *not* oblige claimants to conceal their identity or to be discreet, dedicating an entire paragraph entitled “No discretion” to the issue. According to the *Note*, numerous decisions on Iranian converts include the observation that this assessment is a

concrete and specific assessment of the likelihood of what the claimant *as a matter of fact will do*. This is not a normative consideration of what he can do or could reasonably be expected to do in order to avoid persecution. (emphasis added).

Although both UNE and the court are adamant that the forecast of activities does not amount to a requirement that claimants should conceal or be discrete about their identity, the practical distinction can be hard to define. The 2012 Supreme Court ruling dismissing the use of discretion in cases concerning gay claimants has been used as a rallying cry by refugee support networks to apply the same assessment to religious converts, a topic that was also merited special attention in the founding document of the ruling government coalition and its support parties. Despite a highly critical report by asylum lawyer Cecilie Schjatvedt on the case law of The Directorate of Immigration (UDI), UNE and the court of appeal on religion-based asylum claims in 2015, these calls have so far gone unheeded. This dismissal is particularly underlined by a circular issued by the Ministry of Justice in 2013, specifying that the test developed by the Supreme Court in the gay claimant case may not be applied on any other asylum ground by UDI.<sup>10</sup>

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10 Justis- og beredskapsdepartementet. *Instruks om tolkning av utlendingsloven § 28 første ledd bokstav a – forfølgelse på grunn av seksuell orientering og kjønnsidentitet* (GI-07/2012).

The Canadian case law paints a rather different picture of how the risk of persecution upon return can be assessed. In general, the Canadian court has spent more time discussing the sincerity of religious convictions and the prevailing conditions in the country of origin, than the precise mode of religiosity of each individual claimant. Reviewing the case of an Iranian claimant decided by the Immigration and Refugee Board (IRB) in 2014, the Federal Court of Canada observed that the Board had erred because it had concluded

... that Mr. Mohebbsi would have to be discreet in Iran. However, it is not for the panel to determine how a person should practise their religion. Mr. Mohebbsi submits that he is an evangelical Christian whose duty is to spread the Good News of the Gospel. Given that no analysis was done on this subject, I consider the decision to be unreasonable.<sup>11</sup>

While this case does not enter into an assessment of the claimant's religiosity, it does admonish the Board for its attempt to define the boundaries of his religious practice, indicating the court's distrust of assessments of the proper "modes" of religiosity among claimants.

Much like the question of "reflection" (see 2a), the attention paid to "mode of religiosity" by the Norwegian court indicates the authority of UNE as the principal body set to develop best practices in determining the potential risk upon return to the country of origin. Within the highly specialized vocabulary of UNE, a "neutral" prediction of "mode of religiosity" is something distinctly different from the question of "discretion", although this distinction appears difficult to identify. The striking lack of a parallel discussion of discretion or mode of religiosity in the Canadian case law would appear to confirm the difficulty of this distinction.

#### *Determining the conditions in the country of origin*

Norwegian and Canadian RSD procedures also differ significantly in their approach to country of origin information (COI) to determine the level of risk upon return. While both countries maintain fact-finding departments as integral parts of their status determination procedures, the

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<sup>11</sup> *Hadi Mohebbsi v. The Minister of Citizenship and Immigration* (2014 FC 182), para. 10.

Norwegian *Landinfo* enjoys considerably much stronger influence on the determination of country conditions than does its Canadian counterpart, which is localized as a specialized unit within the Immigration and Refugee Board (IRB).

Partly, this is due to different methodologies. In a 2013 report mapping the different methodologies of COI units, the Austrian Centre for Country of Origin & Asylum Research and Documentation (ACCORD) divided the dominant methodologies in the field in two different categories. On the one hand, units like the Canadian IRB provide country information “without adding their own opinion or assessing the information [and] do not draw any conclusions from the information they have found”. On the other hand, units like *Landinfo* “analyse the situation in a country and draw conclusions based on their own expertise, refraining however from legal assessment”. Assessing the different methodologies, ACCORD has expressed its clear preference for the IRB approach, observing that “From a methodological point of view, [the *Landinfo* model] presents a great challenge as regards undue simplification and bias for the sake of consistency”.<sup>12</sup>

In addition to these differences in methodology, the case law reviewed for this working paper displays a striking difference in how the courts have approached the role of COI. In order to determine the state of affairs “on the ground”, the Canadian cases have engaged COI quite broadly – one case relies on the combined input from Amnesty International, UNHCR, Radio Free Europe, the newspaper *The Australian*, The Australian Refugee Tribunal and a Swiss Organization, to fault the lower court on its use of out-of-date COI.<sup>13</sup> By way of comparison, the Norwegian court has rarely challenged the information from *Landinfo*, and has frequently relied heavily on expert testimony from *Landinfo* staff in the determination of the proper level of reasoning to be expected from Afghan claimants. In a case from 2012, the Norwegian court summarized its approach to COI by referring to the fact that *Landinfo*

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12 ACCORD. *Researching Country of Origin Information. Training Manual 2013 edition*. Available online at <http://www.coi-training.net/handbook/Researching-Country-of-Origin-Information-2013-edition-ACCORD-COI-Training-manual.pdf> (retrieved 06.04.2017).

13 *Mohammed Zaree Robat Torki and Reza Zaree Robat Torki v. The Minister of Citizenship and Immigration* (2012 FC 1400), para. 34

... relies on a broad array of sources, including information from international human rights organizations, UNHCR and other UN entities, and their own and other COI departments' travels. Additionally, Landinfo relies on input from Christian organizations. The court assumes that the informations and considerations [sic] by Landinfo are of good quality, and that they are reliable. (LB-2010-134086).

Hence, whereas the Canadian court seeks out COI on its own, the Norwegian court, with very few exceptions, seems satisfied to draw upon the expert knowledge provided by *Landinfo* in its assessment of the facts on the ground.

## Summary and Conclusion

Despite their shared normative starting point in the Refugee Convention and the guidelines issued by the UNHCR to assist decision-makers in the RSD procedure, the case law on religion-based refugee claims developed by the appellate courts of Norway and Canada display significant differences in approach, from the ways and means to determine genuine conversion, via the predictions for religious behaviour upon return, and to the proper sources of information to determine the risk involved. Whereas the Norwegian court has been reluctant to overturn the interpretations developed by UNE and *Landinfo*, the Canadian court has taken a much more active role in assessing the available evidence before it independently, frequently chastising the lower tribunals for its assessment of religious conversion and for its use of COI. Some of these differences may come down to differences in legal culture and the lack of Supreme Court precedent on religious freedom more generally in the Norwegian context.

However, these explanations notwithstanding, the fact that religion-based claims are subject to substantially different forms of assessment in Norwegian and Canadian courts imply that the systemic integration and normative consistency towards which the international system for refugee protection aspires still has a long way to go. While the UNHCR *Guidelines* are an important step in the direction of a more unified approach to religion-based claims, their expansive conception of "religion" and its unclear interrelationship with the protections for "religion" that can be derived from international human rights

law should be replaced by a new, more updated set of guidelines that provide more specific guidance to decision-makers in domestic RDS procedures.

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# Keeping and losing faith in the Danish asylum system<sup>1</sup>

Zachary Whyte

## Introduction

Religiosity plays an important if often inconstant role for many asylum seekers in their daily lives at Danish asylum centers. While some turn to or expand their religious practice in the centers, others experience crises of faith in the uncertain waiting time of the asylum system. Drawing on a few concrete cases, I will discuss some ways in which everyday religious practice connects with both the progress of asylum seekers' cases and forms of sociality at the centers.

Religion is notoriously difficult to define in law as in anthropology (Good 2009; Gunn 2003; Southwold 1978). Most studies of the religious lives of asylum seekers focus on matters of conversion and the credibility of claims of religious persecution, often from a legal perspective (e.g. Musalo 2004). This paper, rather, will examine the ways in which religiosity plays out in the everyday lives of asylum seekers at Danish asylum centers. While the focus is not directly on the asylum system itself, it nevertheless fundamentally structures the everyday lives of asylum seekers, as I shall show. My focus here is on how religiosity, agency, and sociability coil through each other in the daily lives of asylum seekers in a Danish asylum center.

I will first consider the place of religion in the everyday rounds of life at Danish asylum centers, drawing on Clifford Geertz's classic work. How does religion offer "not just interpretations but *interpretability*" (Geertz 1973: 100) for asylum seekers of the chaotic circumstances of the asylum system? I then turn to a few specific ethnographic cases, drawn primarily from my ethnographic fieldwork at an asylum center on the Danish island of Bornholm (Whyte 2009). I use the cases to illustrate how religion could be used to wrest agency from the asylum determination system, as

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<sup>1</sup> This paper in part draws on Whyte [2011b].

well as how it played through the rounds of sociability that made up the everyday lives at the asylum center.

## Religion and the asylum system

Rather than trying to define religion in an overarching sense, I focus here on how religion is spoken about and practiced by asylum seekers. In other words on how religion is present for them in the rather specific setting of the Danish asylum system. It is useful, here, to start from Clifford Geertz's classic work on "Religion as a cultural system" (1973).<sup>2</sup> As he remarks there, religion is particularly important for people in chaotic circumstances:

There are at least three points where chaos – a tumult of events which lack not just interpretations but *interpretability* – threatens to break in upon man: at the limits of his analytic capacities, at the limits of his powers of endurance, and at the limits of his moral insight. (1973: 100; original emphasis)

I start from this quote because the asylum journey in general (cf. Dorais 2007) – and life at the asylum centers in particular – of course are all at these three limits. For many asylum seekers, the asylum system is precisely incomprehensible, distressing, and unfair. It is worth addressing this point by point.

The asylum system pushes the limits of asylum seekers' analytic capacities, because it is difficult to understand the logic and practice of its bureaucratic system. While the system presents itself as rational, a classic Weberian bureaucracy that is impartial and fair, asylum seekers often experience it as random and partial (Whyte 2011a). The recurring refrain I heard was "Everything here is by chance," and stories of uneven practice (e.g. two brothers with identical cases only one of whom got positive) were rife.

The asylum system pushes the limits of asylum seekers' endurance, because it is damaging to their health. Waiting in uncertainty, prolonged passivity, and the stress of institutional living all take their toll on asylum seekers, some of whom arrive with mental and physical issues. This has been established internationally in the academic literature (Filges et al. 2016), but is also evident in the daily experiences of Danish asylum oper-

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2 Perhaps the most telling sign of the iconic status of Geertz's essay is the number of critics it has. For a useful overview of these criticisms, see Schilbrack (2005).

ators, who note the common development of symptoms like headaches, insomnia, and stomach pains as asylum cases stretch on.

The asylum system pushes the limits of asylum seekers' moral insight, because it seems to treat people unfairly. Asylum seekers are keenly aware of the mistrust of the asylum authorities (cf Griffiths 2012). The asylum authorities' modes of questioning, the limits placed on their possibilities for working or pursuing an education, and the wider skepticism they often detected in interactions with Danes all suggested to them that they were being found morally wanting by Danish asylum authorities. They regularly complained that they were being treated as less than human. As one asylum seeker bitterly complained to me, even dogs could get passports in Denmark, but they got nothing.

All these factors were generally exacerbated, the longer asylum seekers spent in the system. In this sense, while the asylum determination system is explicitly structured to gauge the credibility of asylum seekers' purported religiosity, the rounds of life available to asylum seekers are at the same time likely to affect that religiosity.

Most asylum seekers I met, arrived in Denmark with a great deal of optimism. They felt that they had finally reached safety after what may have been dangerous circumstances in their homelands and potentially arduous journeys. Many had a sense that their lives could finally start to move forward again. However, as time passed in the asylum system and they found themselves mistrusted by authorities (Whyte 2015) and waiting in uncertainty for extended periods (Griffiths 2014). Staying with Geertz's terminology, we may perhaps think of a mismatch between asylum seekers' "models for" daily life and the asylum system's "model of" it.

One key point that follows from this approach to religion as a way of making sense of one's troubles, is that religion is not merely a comforting instrument for coping with difficulties – though it may well also do so. The very recognition of difficulties *as* difficulties is often already shaped by religious understandings and expectations. In other words, religion not only helps to interpret chaotic circumstances, but it also gives shape to them in the specific circumstances of the asylum system.

### **Faith and waiting**

While the asylum period then was ripe for religiosity, in the sense that it was chaotic and trying, the form of this religiosity was by no means given.

When Ali, a young Afghan man of about 17 stepped behind the green curtain in the “prayer room” at the Red Cross culture house, I was a little bemused. I had never seen him pray before and I had seen him shake his head numerous times at the more religious Afghans at the center. But when he came back and sat by me, he told me that he had started praying five times a day. “I have promised my God that I will fast during this Ramadan and another month and I will pray for longer every day, if my brother and I get positive”, he told me. Ali’s brother did not share his newfound religiosity, but he didn’t object to it either.

The two brothers had received “negative” from the Immigration Service and were to go before the Refugee Appeals Board the following month after a long wait. This kind of religiosity, which was at once heartfelt and instrumental (in the sense that it involved bargaining with higher powers), was not uncommon at the center. But it was also not constant nor expressed in the same way to different people and in different contexts. For example, Ali had a Danish girlfriend his own age, who he did not share his newfound religious practice with. Ironically, his religious background ended up spelling the end of the relationship, as her father forbade her to see a Muslim after September 11, 2001.

Ali’s shift in religious practice played no part in his asylum case, but it was important to him, and shaped his understanding of the bureaucratic process and his place in it. Praying was not least a way of maintaining some sense of agency: it involved *doing* something in a context where passivity and resignation were rife. But it also spoke to his experience of the Danish asylum authorities: his best recourse was not through his own interactions with the authorities but through higher powers.

On the other hand, religion could also wane at the asylum center. A few, mostly with cases that had stretched for years, had all but given up their faith. I am not speaking here of outright apostasy or conversion of the kind that might serve as the basis of an asylum claim, if you were from countries where you might face persecution on that basis. But rather of a sort of low tide in religiosity and indeed a general apathy that seemed to tie in with the lack of progress in their asylum cases and the consequences this had for their future possibilities.

Rafiq, a middle-aged Christian Iraqi, shook his head as Arif, a young Kurdish Iraqi he worked with at the Red Cross café for asylum seekers on Bornholm stepped out to smoke. “Arif only talks to himself,” he said

to me.” But you know it is like this: you lose everything when you become a refugee: your possessions, your culture. Your children never learn about their homes – they don’t even know that it is their home. Look at Arif. He is like the Danes now. He is only half Muslim, just like the Danes are only half Christian. He doesn’t know his home.” While this association between roots and religion was important to Rafiq, while he was waiting for this application to be determined, when he later was given positive, he jokingly laughed that he was no longer Iraqi himself, but ready to be 100% Danish.

I draw out these examples not so much to claim causal relationships between the asylum process and the religious lives of asylum seekers, but to point out that religiosity was dynamic and contextual and that the asylum process – inasmuch as it provided an important context for asylum seekers daily lives – could profoundly affect the ways in which asylum seekers thought about and practiced their faith. At the same time, their faith was a way of trying and at times failing to understand the asylum system itself.

### **Faith, sociability and conflict**

Rafiq’s example also points to the fact that religiosity has a powerful social dimension. That is to say, Arif’s purported religious failings were also social failings in the sense that Rafiq saw him as unmoored from his home. At the asylum center, as elsewhere in the world, common religious practice could be an important social bond. For Rafiq, for example, his weekly church attendance along with the other Christian Iraqis at the center structured the week and established and undergirded social relations. Similarly, performing their prayers together (salah) structured the day for some Muslims.

The asylum center provided an uneven frame for religious sociability. It was on the one hand syncretic. I had many discussions with Shi’a and Sunni asylum seekers, explaining to me the differences between these branches of Islam, for example, which shifted to them asking each other about their respective practices. In a sense the very liminality of the asylum center could open up some spaces for religious discussion. As one Afghan man put it to me more widely, “We we are doing things here that we couldn’t do at home. We drink beer. We have girlfriends.” In this sense, the asylum center could be productive of new forms of sociality, a place of experimentation.

On the other hand, there were also risks and sanctions associated with some forms of behaviours. There could be disagreements on proper behaviour within groups, which might even involve the a moral questioning of other asylum seekers. One Afghan father and husband told me that his wife felt even more locked in at the asylum center than she had in Kabul. "Everyone talks here. So she just stays in the kitchen or in our room." Religious sociality was not necessarily without conflict at the asylum centre, and there could be arguments and even threats and violence between different religious groups (see other working papers in this collection). This is not to suggest some contrast between sociality and conflict, where easy religious sociality was threatened by conflict. Rather, sociality and conflict were constantly enmeshed. Indeed both the forms of conflict mentioned above arguably did more to undergird than undermine some forms of sociality at the center.

These sorts of social interactions at the asylum center could be complicated by the fact that religion often figured in the asylum claims people put forward. Sitting around a table, Masoud, an Afghani shepherd, explained to me that he had fled persecution by the Taliban in Afghanistan, because he refused to give his children Muslim names and was unrepentant about drinking alcohol. As he spoke, Mohammed, a more religious Afghan asylum seeker, who was sitting by us, broke in to admonish him that his behaviour was improper. "Why do you drink alcohol? It is *haram* [forbidden]." Masoud bristled and said it was precisely because of this sort of controlling behaviour that he had left Afghanistan in the first place. "What are you doing here, if you think like that?", he asked Mohammed. This comment implicitly recast his interaction with Mohammed, suggesting that Muslim religious observance was suspicious in the context of the Danish asylum system. Mohammed just shook his head, but soon got up from the table and moved away. Here then, the particular circumstances of the asylum context may also frame the ways in which asylum seekers discuss religiosity at the center.

However, at a more general level, it must be borne in mind that these conflicts speak both to their religious expression and to the generally conflictual nature of much sociality in asylum centers. The chaotic circumstances of the asylum system that I described initially also frayed normal conventions of sociality, and conflict was a regular feature of social life at the asylum centers. As cases dragged on or when centers were crowded,

fight regularly erupted both within and across religious and ethnic lines. This seems to me to necessitate a degree of caution in analysing conflicts between different religious groups at asylum centers as purely motivated by religious difference. As I have argued, religion, agency, and sociability coil through each other in the particular circumstances of the asylum center, and this .

## Conclusion

In this brief paper, I have suggested that life at the asylum centers in some senses made religiosity more present for asylum seekers. In Geertz's phrase, it caused chaos to break in on asylum seekers, appearing incomprehensible, distressing, and unfair to them. This provided a context in which religion not only could be used to make sense of the difficulties derived from the asylum system, but might even help identify them *as* difficulties. The asylum system could incite religious behavior, as asylum seekers struggled to find ways to act in a system that left them feeling powerless. But it could also cause religious practice to fade, particularly for those whose cases drew out. In other words, the asylum process also tugged at the ways in which people understood and practiced their religiosity at the asylum center. Religiosity could form the basis of sociality at the asylum centers, though it could also shape conflicts there. The centers were spaces of both possibility and restriction for asylum seekers, allowing for experimentation and some degree of syncretic exchange, while also framing conflicts and even violence. These sorts of paradoxes were key parts of asylum seekers' everyday lives at the centers, and though, as I have argued, the asylum process impinged on them, they do not play much of a role in the actual asylum determination. In general, then, examining the role of religion in the everyday lives of asylum seekers, entails a shift from the necessarily binary view of asylum determination (either you believe or you don't) to a more processual, contextual, and social approach.

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# Talking about Conversion: Reflections on Religion during the Asylum Process

Pia Nielsen

## Introduction

In the autumn of 2016 I had the opportunity to do participant observation with a group of Christians from Iran and Afghanistan who had converted from Islam and were seeking asylum in Denmark. The purpose of being part of the group was collecting preliminary data for my thesis on the IR experiences of conversion to Christianity. In the six months, I was a part of their group – what we called a fellowship, I got to know some of the people there, and had the chance to talk to them about their daily lives, the challenges they faced due to their conversion, and their experience with both the Danish asylum system and the various churches and Christian communities they had met and become a part of. Based on these experiences, in this paper I will present some of the data I collected. At the time of writing, all this is still very fresh in my mind and I have not yet managed to process all the data and the insights. Hence, I hope the reader will be able to engage actively with the text and the data in order to generate fruitful discussions about conversion, religion and the asylum system.<sup>1</sup>

In the paper, I focus on general tendencies that were expressed by a number of the people I met, or on individual stories that have the potential to shed light on questions of particular interest. Initially I wanted to understand how people's conversion affected their experience of the asylum system and the relationship between the legal proceedings and the conversion itself. However, as time passed and I got to know the people better, it became clear that what was equally interesting about their specific situation was the ways in which their situation, both their

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<sup>1</sup> As will be clear, the data has not yet been properly conceptualized. Important sources for this conceptualization will be Wilson and Mavellis seminal analysis in *The Refugee Crisis and Religion* (Mavelli and Wilson, 2016) and Saunders et al., *Intersections of Religion and Migration* (2016).

conversion and their legal status as asylum seekers in Denmark, affected their identity and feelings of belonging.

In terms of empirical work, the data was collected during weekly gatherings held in a local church. The time was split between a communal breakfast with time to catch up with everyone, then a bible class taught by Danish volunteers or the pastor associated with the group, and finally time for prayer and/or a discussion of the day's lesson. This meant that I could both talk to people about their particular situation and hear how they related the teachings to their own lives in the discussion groups. However, because it was only once a week, and because a little more than half of the group did not speak Danish or English, I did not get to talk to everyone as much as I would have liked. While I am confident that this short article reflects the experiences of those I talked to, I will not claim that this is applicable to all asylum-seeking converts. Nor can I say that there are not parts of individual stories I never got to hear, simply due to the fact that I did not have more time to talk to the people I am writing about and because these topics seldom are easy to talk about. Of importance here is of course also my own positionality. Even if I did my best to establish a relationship with my interlocutors, I talked to them as a representative of an organization that was also implicated in the field that I was studying and they were trying to negotiate. This is clearly important for how they responded to me and what kind of data I was able to generate.

I organize the text in four sections. In sections 1 to 3, I explore religion in relationship to belonging, in relation to the production of community or fellowship and in relation to what we can understand as performances of identity. In the final section, I conclude that we can not only understand the place of religion in the asylum system by exploring relations to the formal, legal system but that we need to take into account the lived experience of converts and how they understand the community they have chosen to be part of.

## **Belonging Nowhere**

One topic that was continually brought up by the people I spoke to, was the question of belonging, or more often, not belonging, to certain groups. Many conversations dealt with the question of whether a person felt they belonged anywhere, and several people talked about loneliness

and isolation as hallmarks of their time living in the Danish asylum centres. They felt unwelcome in Danish society and often faced racist remarks and behaviour when they left the centres.

A young man, with whom I became friends, told me that when another Christian asylum seeker moved into the same centre as him, he took him to the supermarket, to show him where he could buy groceries. While they were there, they were followed around by staff, who eventually asked them, why they did not buy anything. The two men had been shocked and immediately left the store. My friend said: "You shouldn't look at people and their hair and skin and treat them differently. It's not good for you or them, it goes deep down inside you".

His story was not unique. In the interactions with police, some were told they were not welcome in Denmark: "[The police officers] said Denmark people have to live here and Iranians should go back to their own country. They say I should not [stay], that I should make it better for myself and leave". This quote comes from a young Iranian man who has been denied asylum in Denmark, but has refused to leave the country voluntarily.

Perceived racism outside of the centres was not the only reason my interlocutors felt alone and left out. The fact that the converts could not always feel comfortable at the asylum centres contributed to their loneliness. Some told of harassment from fellow asylum seekers, who were unwilling to accept that they had converted from Islam to Christianity. Some spoke of friendships in the centres regardless of religious differences, while others, even when they had not been victims of harassment, did not feel close to people who did not share their faith.

The feeling of not belonging was compounded by the fact that asylum seekers are moved between centres. These reasons are not always understood or deemed reasonable by the people who are being moved. This is exemplified in this quote by a young man, who was being moved to another centre: "They just do it to show that I am nothing, they can just..." He picks up a plate and moves it from side to side. When they find communities and fellowships in which they feel comfortable, they have to deal with themselves or people they care about being moved to centres in other parts of the country. In the six months, I was part of the group, I saw this several times, and each time someone had to move, it had a profound effect on the mood of both those who were leaving and those who stayed.

## Christian Communities

Almost all I spoke to had found close relationships within the Christian communities they were a part of, and for some, what had initially drawn them to the church was people caring for them. One man told that he had only become interested in Christianity after having met Christians who seemed to care for him, even though he was Muslim. He, and others, have not always been welcomed in to the Christian communities they sought out, and finding a community that welcomed him, made him want to know more about what they believed in. In reference to his meeting with this first Christian community who cared about him, and subsequent communities who he did not feel cared, he said: "Inequality is not good. Not good that no one cares. I like Christians who act, not just talk. If no one cares, it doesn't matter".

When they do find communities in which they feel welcome and comfortable, they express that they have very strong relationships, both with the Danish volunteers and leaders, and with other converts. A few referred to certain volunteers as if they were their parents. In normal conversation, they would not use their names but say "my mother" or "my father". Even when the relationships did not resemble those between parents and their children, it was clear that people cared for one another. It can also be seen as a way of creating families or important kin relations.

One group of three young men had all been through the interview process with the authorities within a few days of each other and were waiting to get their answers. Two of them found out they had gotten asylum after a few days, but the third did not hear anything for two weeks. While they were waiting for the answer for the last person, one of them were asked whether they had plans for celebrating that the two of them had gotten asylum. His only answer was: "We will wait until X gets his positive. It is not right without him".

Another man, whose friend was being moved to another centre, had told the one being moved: "I will kill myself if you go". The man I spoke to, the one being moved, explained that it was not a real threat; his friend would not kill himself. He said he simply felt lost because they were so close that the thought of living far from one another was a painful one.

While not knowing exactly why certain people become close is difficult, and any speculation is beyond the scope of this short presentation,

some people did comment on this closeness. They usually gave answers that fell in to two different groups. On one hand, people mentioned the importance of friendships among the converts because they shared a faith. “I found my people in the Book” one person told me, when we were talking about friendship among the converts, this was clarified with the comment that being friends with others, people who were not Christian, was difficult, because “what do I have to offer them? I have nothing”.

On the other hand, when talking about relationships with other converts, the conversation often became about family, arguably as a way to talk about loss as well as a dream of a future. Most people talked of the distance, whether physical or metaphorical, to their biological family. In some cases, it stemmed from the conversion itself. As one man in his twenties said, “I have lost my life in Iran, but I regret nothing. I lost my family and my job, but I got God”. Another told me about how he had never been particularly close to his father but “Jesus made me cut him off totally”. In other cases, it was a consequence of living far apart. A woman, who had fled with her husband because they were Christians, had left her parents behind. A man had Christian family in other parts of the world, but could not move there, because circumstances had led to him seeking asylum in Denmark. Another woman still had a good relationship to her Muslim parents, but could not talk to them as often as she liked.

No matter the reason, it was clear that those who were not close with their own yearned for family and cherished their relationships within the church. This is not to say that people did not have friends who were not Christian, or that everyone was equally close to everyone else within this group. This was not the case. As in any group, people were closer to some than others. Some were close with many people, others with few.

### **Performing Christian Identity**

The final topic I would like to mention is that of identity as a Christian. Almost all the people I had the chance to get to know, were very visual in their presentation of themselves as Christians, at least when they were with other Christians, as was the case when I saw them. People wore or had tattoos of crosses and other Christian symbols, and prayer often took place kneeling beneath the cross in the church. On social media, it was not uncommon for people to share quotes from scripture and religious imagery several times a day. Though, this was not necessarily specific to

the converts, as the Danish volunteers were quite visual in their practice of Christianity as well.

As I did not spend any time with these people when they were not taking part in religious activities, it is difficult for me to say whether they were as open about their faith in other contexts. However, at least one woman told me that she likes to pray for people on the street and sometimes tried to pray for people at the asylum centre. It also seems likely that being very clear about their new faith, both towards themselves, to other converts and Christians, and towards others, as a product of a conversion from one religious tradition to another (Rambo, 1993, p. 117).

Another way in which the question of Christian identity became quite clear was in the statements people asked the pastor to write. Often people would ask for various kinds of statements attesting to the fact that they were active participants in a Christian fellowship, that they came to church, that they had attended baptism class and had been baptised. These statements were meant for the authorities as part of the legal proceedings of the asylum cases, but they were also meant for other churches when people moved. These were important for the asylum seekers, although none of the people I spoke to explained why the statements were so important to them individually.

## **Final remarks**

In this article, I have presented data that in many ways provides a unique glance into a group of people and a topic that is hard to research. While I do believe that the data presented here is a good foundation for research into how both their legal situation and conversion affect the identity of the converts, much work remains to be done. My contribution here is rather raw and empirical without the necessary conceptual analysis. Hence, any detailed analysis will require more conceptual work.

Despite this conceptual shortcoming, the presentation gives a short introduction to a field and a group of people that are often talked of but rarely listened to. While the data presented here is not enough for any comprehensive research, it does hint at areas where new research is beneficial. Research that bridges the gap between an understanding of conversion and religiosity on one side and the asylum system, both as a legal system and a lived experience, on the other, is the most obvious.

Research into how religion in general and conversion in particular af-

fect the experience of the asylum process in Denmark is important. From the time, I have spent getting acquainted with the field, it seems that conversion does impact the experience of the asylum system, although to say this with any kind of authority research is required. I hope to do part of that research in my thesis, of which this data will also be a part.

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# The Complexity of Survival: Asylum Seekers, Resilience and Religion

Marlene Ringgaard Lorensen & Gitte Buch-Hansen

## Introduction

A growing number of asylum seekers with a Muslim background choose to get baptized as Christians while their application is being treated. The practice of conversion among asylum seekers from the Middle East is charged with critique and suspicion from government authorities and the general public. The former Danish Minister for Ecclesiastical Affairs, Bertel Haarder, has suggested that pastors should refrain from baptizing migrants who are in the process of applying for asylum. The Minister's advice is problematic for a number of reasons: primarily, as it appears to reduce conversion to a simple instrument for obtaining asylum. In this article, we show how the recommendation by the Danish Minister for Ecclesiastical Affairs ignores the complexity of motives involved in the change of religious affiliation. By the aid of Bourdieu's theory of social capital, we demonstrate how conversion is also a way of existential survival in a situation of social liminality and psychological insecurity.

## Rejection of Application, the Return to Zero

Friday the 29<sup>th</sup> of September 2017, the Danish newspaper *Politiken* brought a full front-page photo-feature concerning the drug scene in the 'Meatpacking District' (Danish: *Kødbyen*) in the center of Copenhagen.<sup>1</sup> During the last decade, the block has transformed from an area of slaughterhouses, sausage factories and wholesale stores into a hip space with fancy restaurants and cutting-edge galleries. However, H17, the greatest public injection room for drug addicts in Scandinavia is also placed in this block. Inevitably, this juxtaposition causes problems – and that is what the feature is about. On the one hand, we are introduced to the miserable lives of the drug users; on the other hand, to the gentrified

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1 Hvilsom & Navntoft 2017.

neighborhood's discomfort with this scene. A recent survey carried out by the Danish Red Cross have demonstrated that most of the users of H17 are foreigners, among them many asylum seekers (primarily from Iran), who have had their application rejected.<sup>2</sup> Rather than being deported to their homeland, they prefer to live illegally in Copenhagen. Apart from the drug user's stressful life, the feature also discloses the shame that many of the young migrants experience: they did not manage to make their own and their family's dream come true. However, from our fieldwork among converting asylum seekers and refugees affiliated with a church situated less than a kilometer from *Kødbyen*, we have been acquainted with another way to cope with the challenges that the rejection of the application for asylum typically occasions. In this article, we discuss the psychological resilience which religion – in this case, Christianity – may offer in this difficult situation. We could have told several stories, but have chosen to focus on one particular case, based on our encounter with a young, Iranian woman, who was exceptionally articulate about her experiences and feelings, which – we think – speak for many migrants in this unfortunate situation. In order to understand the role of religion in her struggle for physical and, especially, psychological survival, we have consulted Pierre Bourdieu's theory of human capital. In case of a rejected application for asylum, the accumulated economic, social, and cultural capital is lost. Under these extreme circumstances, religion may offer alternative forms of capital.

This article is based on our empirical studies of asylum seekers and refugees' encounter with the Evangelical Lutheran Church in Denmark.<sup>3</sup> Our initial fieldwork was carried out during 2014 and resumed in the spring of 2017. The original aim of our project was to shed light on the way the Church in Denmark is affected, theologically and ritually, by the globalization. However, the so-called 'refugee crisis' during the summer of 2015 influenced our project as our attention increasingly was drawn towards converting asylum seekers and their way to Christianity.

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2 Hvilsom 2017.

3 Our research project *Consumed Identities: Ritualized Food and the Negotiation of National Identity in the Evangelical Lutheran Church in Denmark* was part of an international and interdisciplinary project financed by the Norwegian Research Council: *Reassembling Democracy: Ritual as Cultural Resource*. For further insights into this initial study see: Buch-Hansen, Lorensen, Felter, 2015.

In 2017, we carried out a follow-up study<sup>4</sup> with new interviews, involving some of the asylum seekers with whom we became acquainted back in 2014. During this span of time, several of the applicants had been formally recognized as refugees with the permission of a (still provisory) stay in Denmark. We wanted to explore how the changed civic status affected their conversion and their relationship with the church.

## **The Public Discourse about Asylum Seekers and Conversion**

The public debate which followed in the wake of the ‘refugee crisis’, and in which the conversion of Muslim asylum seekers to Christianity remains a fraught topic, provoked our change of focus. Some politicians surmise that asylum seekers use conversion as a strategy for having their applications reconsidered by the Danish authorities. This suspicion is fueled by the fact that the change of religion primarily concerns those groups of asylum seekers whose cases the Refugee Appeals Board finds dubious and regularly rejects – for the time being: Afghans, Iranians and Iraqis.<sup>5</sup> In contrast, refugees from the war in Syria, to whom a provisory permission to stay usually is given straight ahead, seldom convert. In this very tense atmosphere, the former minister for Minister for Ecclesiastical Affairs, Bertel Haarder (*Venstre, The Liberal Party of Denmark*) entered the debate and suggested, in a press statement, that asylum seekers and their pastors postponed baptism until the applicant had obtained his or her residence permit. Haarder motivated his recommendation with a twofold care for the asylum seekers: “For their own sake, and in order to free them from the suspicion that they do it in order to obtain asylum.”<sup>6</sup>

The Minister’s recommendation hit the nail on the head with regard to the problems related to religion within the asylum system: Although

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4 Part of the follow-up study has been presented as a keynote lecture titled: “Listening to the Voices. Refugees as Co-authors of Practical Theology” at the *British and Irish Association of Practical Theology Conference*, St. Mary’s University, London, July 13<sup>th</sup> 2017. Part of this lecture is published in an article of the same name cf. Lorensen and Buch-Hansen 2018.

5 It is important to notice that the relatively large number of Iranians converting to Christianity is not limited to the Danish context. Iranians are reported to convert in great numbers worldwide during the past three decades. The actual numbers are very difficult to document due to the impossibilities of conducting research of Christian converts under the present Iranian regime as well as the fact that persecution of Farsi speaking (house) churches has resulted in the closing down of the majority of these. Cf. Afshari 2013. See also: Bradley 2014.

6 Authors’ translation of Haarder 2016.

e.g. the Iranian Constitution recognizes the rights of some religious minorities, including Christians, Muslims who change their religion risk severe penalties, in some cases death penalty. In addition, the convert's family will also be sanctioned upon his or her return. Consequently, awareness of a relative's conversion often invokes strong and negative reactions among family members back home, which again threatens a successful return. As, in accordance with international conventions concerning refugees, the Danish Refugee Appeals Board is only to evaluate the danger that conversion may cause the person if returned to his or her homeland (authenticity is not to be judged by the board),<sup>7</sup> this situation invites migrants to make a public fuss of their conversion either by having their case exposed in the media or by telling their family back home about their choice. One of our interview persons described how he had made an effort to ensure that his father in Afghanistan was informed of his impending baptism. The angry response from the family subsequently became an important document in his (successful) case. Nevertheless, before he was granted his (still provisory) residence permit, he described conversion to us as playing a very dangerous kind of Russian roulette where only one hole was void of shot-cartridge. "If you have converted," as he explained, "and they return you to Afghanistan, then it is – puff!". He demonstrated his explanation with his hand, which was turned into a pistol with his fingers pointing at the temporal region of his head. Whether his gesture referred to the risk of being shot upon his return to Kabul or to the possibility of suicide as a desperate response to that possibility, we do not know.

In the following, we will look closer at some of the other lethal dangers with which conversion is loaded. We will present the case story of Sanaz, a young Iranian, well-educated woman and her reflections on the mixed and complex motives behind her (and others') conversion to Christianity.<sup>8</sup>

### **Resilience and Religion. *A Case Story***

Back in 2014, when we first became acquainted with Sanaz, she assisted us by interpreting between Farsi and English in our interviews with

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<sup>7</sup> Cf. Bjørn Møller's article in this issue.

<sup>8</sup> The name of the interview person and her biographical details have been altered for purpose of anonymity.

Afghan and Iranian asylum seekers and refugees. By her articulate reflections on the interviewees' answers and her explanations of complex religious concepts in a way that was understandable to new Christians, she helped bridging the cultural chasm between our world and that of the migrants'. At that time, she lived *underground* due to the rejection of her own application for asylum. When in the spring of 2017 we managed to get an interview with her, she had recently succeeded in having her case reopened and was granted a provisory residence permit of two years. In the interview, we quickly recognized her unique ability to describe the traumatic experiences that tend to leave other asylum seekers and refugees paralyzed and speechless and therefore difficult to interview. Because of our interviewees' painful or repressed memories, we often had to stop our conversation. But Sanaz carefully chose her words which appeared to speak for more than herself.

In the interview, Sanaz described the *agony* related to the dilemma of having to choose between herself and her family, the *pain* of being rejected by her own biological family and cast-off from her home country, the *loss* of identity and sense of belonging that follows in the wake of migration, the *exhaustion* related to the compulsory restoration of everything lost, the long *ambiguity* involved in the choice of converting, and the continuously wearing *oscillation* between hope and hopelessness.

Being an immigrant, a refugee, [having grown] up in a country that suppresses you – also as a woman – you can't have your own opinion. Being in so much pain, being suppressed, having to flee the country you love, the family, you love [in spite of the fact] that they [have] even started hating you. [You have to] *uproot yourself* [in order] *to free yourself*. [... As a refugee] you have to start from scratch but you are not even able to start [...] because you are so much lost in *pain*. [...] This is the *pain* of [the loss of] your home country; this is the *pain* of not having a voice; this is the *pain* of my dad abandoning me because of faith.

In addition, the quotation demonstrates how being a woman added to her pain: on the one hand, her refusal to be treated as a second-rate human being because of her gender led to the loss of family and home country; on the other hand, their rejection forced her to dis-identify herself with her history, cultural background, education, family and friends. She

summarizes the dilemma that many migrants apparently go through, but without being able to put it into words, in the clause: “*You have to uproot yourself in order to free yourself.*” On top of this dual rejection, Sanaz was also rejected by the country in which she had applied for asylum, namely Denmark. The rejection of her application resulted in more than two years as illegal, *underground* migrant – a situation, which further added to her experience of a loss of identity.

Especially when I was underground, I tried to dis-identify myself with everything I was: my education, my family, me as a human being, my cpr. number, ID, hospital, being considered a citizen [...] It felt as if I did not exist. [...] I did not have a bed, I had to have a mattress for a long time that was not mine. I had to share if others needed it. I could not go to the hospital so I could not claim pain. [There were] so many things I had to cut myself off from.

As time went by, her initiative began to decay. The lack of knowledge about how to arrange the most basic everyday things – where to sleep, where to store her few belongings, how to get clothes and food – affected her ability to think and plan severely. In addition, the effects of losing her citizenship and having to give up basic human rights shocked her. As an illegal immigrant, she had no access to health care. Consequently, she could not allow herself to get ill or even to have pain; she had to cut herself off from her body and its signals. Gradually, she lost the sense of her skin, of her borders, of her body. The fact that maybe no one would notice if she died *underground* added to her experience of being a *no-body*.

However, slowly the process of feeling invisible and lost changed and the loss became the solution. As she explains: “...the pain became less and less, the more successful I was in uprooting and dis-identifying myself”. If she got rid of her stuff, she did not have to care about where to store her belongings or about the painful memories that her sparse possessions invoked. It was in this liminal state of *letting go* that her former mixed experiences with religion turned into an intensive feeling of being received by a gentle and caring God – a feeling that was mediated through a deep connection with his son, Jesus Christ.

In the interview, Sanaz described how her interest in Christianity already began in her home country and was intimately related to her situ-

ation as a woman under the Iranian regime. As it is the case with many converts, she referred to Matt 11:28: “Come to me, all you who are weary and burdened, and I will give you rest”, which was experienced as a comforting call. In her words: it was “the turning point for me, when I *felt* this text!” Elaborating on her experience, she told us that:

Coming from a background where God punishes you because you are doing the wrong thing [...] you are always in the distress of asking for forgiveness from your parents or God because you did this sin [...]. This is the first time you are promised comfort.

Rather than praying to Jesus Christ about obtaining legal permission to stay in Denmark, Sanaz had asked God to be her shelter and to live in her:

I did not pray for the permission to stay here. I just prayed that Jesus would live with me; that he would be in me stronger and bigger. [...] I had already surrendered to him. But I prayed that I would feel him more ... then I would not be afraid of living somewhere else or taking bigger risks or even dying the next day. So it was a big leap of faith that I took [after] being rejected and rejected again.

In the midst of her traumatic situation, Sanaz experienced how her radical surrender to God gave her peace – and more than that: slowly her bodily borders were regained. Once more, she felt that she came into existence and gradually a future became a possibility. She describes the Eucharist as the place where her spiritual relationship with Christ – that is, her experience of being enveloped and indwelt by him – is continually being renewed. In addition, she experiences the Holy Communion as the ritual that transforms the congregation into one body: “[Holy communion is...] the part where we come [to the altar] ... Danish, Iranian, Afghan, we will all be [t]here. Equal before God. United by Christ”.

At the end of the interview, Sanaz told us about the time when her case was reopened. Before her final interview at the Refugee Appeals Board, she spent the night in prayer in the church where we also conducted the interview. She remembers exactly on which bench she rested and the peace that the room provided for her. Awkwardly, she did not



remember much from the interview, only that she shortly afterward was assigned her residence permit. Yet, she had, and still has, to live with the pain of having let go of her *memorabilia*: today attempts of recalling her former life, e.g. images of her family or of the place where she grew up, cause her difficulties.

When we were doing dishes in the kitchen after the interview, Sanaz continued to reflect on the critical attitude that she had originally felt against a formal conversion from Islam to Christianity: although she had always had a positive impression of Christians and the stories of Jesus, she had remained very hesitant toward committing to a new religion. Because of her negative experiences with the way that religion may restrict a person – and especially a woman’s – freedom, she needed time and space for her decision. Consequently, when she started to attend worship services in the church, she always sat in the back and tried to be as discrete as possible in order to avoid that fellow-Iranians would recognize her. In addition, she scrutinized her attraction to the church asking herself if it was only because she felt so lonely that she sought the company a membership of a congregation could offer.

Looking back at the last four years – at her *underground* life, at the catechism classes, at the friendships she has established in the congregation, at the ways that her linguistic skills are today used in the church – Sanaz ended up concluding that probably all of us have mixed motives for our religious engagement. As she said, the primary motive may even change in the course of the day. Consequently, we cannot separate faith from the feelings of loneliness, from existential anxiety, from a longing for being welcomed, recognized and loved, or from the wish of a safe and flourishing future. Rather than trying to scrutinize her own motives for becoming a Christian, she had realized that, in the end, it was – what she designated: *the spiritual fruit* – that mattered. We reproduce her conclusion: “It doesn’t matter why and how you enter into Christianity; the important thing is what Christianity does to you”.

## **Drivers in Migration. Revisiting Bourdieu’s Model of Social Capital**

The Iranian woman’s nuanced and detailed description of the complexity and ambiguity involved in her decision to convert from Islam to Christianity made us aware that if we wanted to give a full account of the

forces involved in religious conversion, we had to have recourse to Pierre Bourdieu's theory of human capital theory. And more than that: in order to conceptualize the situation in which her experience of being seen by God and touched by his Son enabled her to start a process of re-edification after her accumulated capital had been reduced to almost zero, we had to add some nuances to *the forms of capital* – the economic, the social and the cultural – presented in Bourdieu's seminal, sociological essay of the same name<sup>9</sup>.

In his analyses of sport as a 'field', Bourdieu was aware that it was possible to capitalize the body. Recent phenomena related to migration have confirmed this possibility in an extreme way. When around midnight Nigerian women enter the streets of Copenhagen to sell their body, they are motivated by the future possibilities that the sparse money will provide for them and, especially, their children. As another extreme case, we find the suicide bomber, who has given up the struggle for capital in this world and now invests his body in a heroic identity that will be rewarded with compensatory possibilities in the next. In both cases, religion plays an important role. A survey carried out by, Sigrid la Cour Sonne, a student of ours has demonstrated the role of Exodus in the Nigerian women's identity: For the time being, they are – like the people of Israel – tested in the desert. But if they manage to cope with their present, God-given trials and solve the task given to them – namely, to uphold their family – the Lord will award them with access to the Promised Land: that is, a residence permit in the country in which they already find themselves. Daily, they are tempted *not* to go back to the street. However, this is the work of the Devil, who – sometimes in disguise of social workers – seduces the women to choose themselves before their family (Sonne 2015). In the case of suicide bombers, the apocalyptic narratives, which most religions offer, provide a meaningful way to bridge the cognitive dissonance between formal or promised possibilities and the hard reality: the experience that education does not necessarily mean employment has created a group of third generation immigrants who do not even give integration a try.

With these reflections, we have already touched upon another capacity that may influence a human being's social, economic and intellectual

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<sup>9</sup> Bourdieu 1986.

capital: we want to draw attention to his or her *psychological* capital. It refers to the capacity for *resilience* in face of change and challenges that – apart from these extreme cases – has become a standard request in job announcements during the last decade. Literature dealing with conversion from a sociological perspective often see religion as an aspect of the social capital and places it on a *meso*-level between the institutional *macro*-level and the interpersonal *micro*-level (Yang and Abel 2014). On the *macro*-level, churches or mosques may provide financial support for the needy, stipendiums for the talented, schools for the poor, health-care for the sick, jobs for the unemployed. In the congregational life of the church: being bi- or trilingual has become an important qualification. On the interpersonal *micro*-level – if we again focus on illegal migrants – individuals from a congregation may help finding a place for those underground to stay, access to professional skills present among members of the congregation: health care, legal advices etc. and employment in quasi-formal jobs.

However, religion may also diminish a person's ability to pursuit his – and, especially, *her* – dreams by putting restrictions on acceptable choices and sanctioning specific forms of behavior by withdrawal of psychological recognition. In fact, several of the young Iranian women, whom we have interviewed, explain their flight and subsequent conversion from Islam to Christianity by their inability to thrive under the Islamic regime in their native country.

Whereas the first four forms of capital – the economic, the social, the cultural and the bodily – are functionalistic and can be approached from a third person perspective, the fifth – the psychological – deals with phenomenology and needs the first person perspective. Maybe that is why sociologists tend to dismiss this category. Conversely, theologians may exclude the first four, because the functionalistic perspective tends to reduce religion to sociology and dissolves the vertical relationship with God into the horizontal dimension of inter-human relations. However, our interviews – and especially Sanaz' case – demonstrate that neither the functional nor the phenomenological, neither the vertical, nor the horizontal can be excluded if we are to understand the phenomenon of conversion among asylum seekers.

## Conclusion. The Complexity of Conversion

In general, the *impetus* for migration can – depending on the amount of capital already accumulated – be explained by the optimistic *expectation* or the faithful *hope* of an improvement of the capital that enables the experience of a meaningful and flourishing life. The decision to leave one's country puts the capital accumulated by a person on stand-by: established networks are left behind, education may be annulled etc. Nevertheless, the prospect of a future gain may *push-pull* the person to migrate. However, when an applicant is denied asylum, the hope and capital invested in the migration are immediately nullified. It is in this vulnerable situation that some migrants choose to convert in order to maintain at least some capital. Consequently, our qualitative studies problematize attempts of clear-cut distinctions between conversions as a mere instrument to obtain asylum and as an existential way of surviving and finding meaning in a situation characterized by social liminality and existential insecurity.

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